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**DEVIANT APPROACHES: THE EXPERIENCE OF RELEGATION
IN THE FRENCH PENAL COLONIES (1885-1953)**

A Dissertation in
French and Francophone Studies

by
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Abstract

In this project, I analyze archival documents concerning a group of prisoners exiled to the colonial penal territories in French Guiana and New Caledonia. I work with the files of *relégués*, the term for repeat offenders sent to the French penal colonies following the 1885 Law of Relegation. I use the letters they wrote to bring their voices and experiences to the fore. Relegation archives reveal colonization process wherein neither empire and metropole, nor prisoner and settler were clearly demarcated categories. Following this framework, I then present the *relégués* as vocal and active family members and, more importantly, as migrant workers, rather than a more traditional interpretation of them as prisoners exiled to the French colonies. My dissertation also relies on the prison files to better narrate the prisoners' views on punishment, crime, and behavior. While the *relégués'* documents mainly attest to their specific problems regarding their families, day-to-day survival and labor, these archives I use also reveal how relegation forced this predominantly French population to endure an unwanted life in the colonies. Relegation at its best allowed the *relégués* to lead lives that resembled those of settlers who had willingly left for the colonies, but most of the time, the *relégués* underwent treatment worse than that reserved for colonized populations. I argue that this group, which legislators and prison administrators labeled "incorrigible," was in fact an artificially created criminal class at the service of the political needs of the French empire, and that this incongruity was an essential factor in the subsequent inefficiency of the entire relegation regime.

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Chronology

1850: deportation laws of April 5, April 22 and June 8 stipulating that whenever the death penalty was abolished following the 1848 constitution (i.e. political prisoners) deportation came to replace the measure

December 8, 1851: decree reestablishing transportation to Algeria or French Guiana for criminals who had broken their residence ban and members of secret societies

March 27, 1852: decree sending all forced labor convicts to French Guiana

May 30, 1854: law instituting the penal colonies of French Guiana

September 2, 1863: decree instituting the *bagne* in New Caledonia

May 9, 1864: first convoy of *transportés* arrives in Nouméa

March 23, 1872: law designating lands for deportation in New Caledonia. In the months that followed, arrested *communards* were sent to the Ducos Peninsula and the Island of Pines in New Caledonia.

1879 and 1880: amnesties allowing the repatriation of the *communards* deported

May 27, 1885: enactment of the law of relegation, which sent repeat offenders to the penal colonies

1887: first convoy of *relégués* arrives in New Caledonia and French Guiana.

1898: end of transportation of metropolitan convicts to New Caledonia. Those already in the territory continued to expiate their sentence in the territory. The *bagne* continued to receive local and political prisoners.

July 19, 1907: end of relegation of female repeat offenders

1930: penal colonies in New Caledonia are closed

June 17, 1938: decree ending transportation to the penal colonies

1947-1953: repatriation of convicts who were forced to remain in the territory until the end of their sentence

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Introduction

In January 1900, a few months before France's *Exposition Universelle* celebrating the technological advances auguring the twentieth century, Jules Lué reflected on the country's far less progressive penal system. A repeat offender in France, Lué was exiled to French Guiana following the provisions of the Law of Relegation enacted in 1885. The *relégué* Lué wrote to the Minister of the Colonies, who oversaw the colonial prisons in New Caledonia and French Guiana. Only fifteen years after the law's enactment, Lué denounced the death of 10,000 recidivists who had died while exiled to the French colonial territories. He wrote in his letter to the Minister:

Une pareille loi donnant des pareils résultats doit être appelé une loi homicide et est suffisante pour déshonorer notre législation moderne !! Au lieu d'une colonisation pénale, on est arrivé à créer une gigantesque nécropole coloniale ! Il en est partis 10,000. Aujourd'hui il en reste onze-cents à peine, dont la moitié ressemblent à des cadavres qui attendent la mort comme une délivrance de cet enfer. ... La moitié de ces hommes ne sont coupables que d'avoir lutté contre la misère laquelle seule est une récidive contre eux ! ... Je ne saurais jamais trop insister sur les atrocités commises dans cette prétendue colonie pénale que l'on devrait plutôt nommer l'abattoir de la métropole car en matière de sociologie cacher une vérité est un crime. ... ce n'est pas à leur point de vue un homme, un semblable que l'on assassine, c'est un numéro, matricule que l'on supprime ? En plein vingtième siècle. Homo homini lupus !!! ... Vous souriez Monsieur le Ministre, voulez vous des preuves, des faits ! des dates ! des noms, consultez la presse de Cayenne, questionnez les Majors du pénitencier qui ont tant de fois protesté mais dont les justes

protestations sont venues commet toute les autres se heurter contre l'insolente et proverbiale inertie de notre grande et omnipotente administration !!¹

Lué's account was truthful and heartfelt. Yet despite the hecatomb it represented, relegation survived until well into the 1950s, when the colonial *bagnes* were finally closed and the remaining prisoners were repatriated. Using archival documents such as Lué's letter, this dissertation presents the lives of a certain class of criminal, known as the *relégués*, who were exiled to French Guiana and New Caledonia between 1885 and 1953.

Background

The *relégués*, the prisoners about whom Lué wrote, and the colonial prisons themselves, were well known institutions in France during the nineteenth and twentieth centuries. Since the mid-nineteenth century, convicts, recidivists, and political criminals were all transported to the colonial *bagnes*. For more than a century, the colonial *bagne* survived despite political upheaval and regime changes in metropolitan France. The history of these penal institutions technically stretches only from 1848 until 1953. However, the origins of the transportation camps, agricultural colonies and deportation to French Guiana can be traced to the end of the eighteenth

¹ ANOM H 1839. Letter from A. Jules Lué. January 5, 1899. "A similar law yielding such results can only be called a homicidal law and it is sufficient to dishonor our modern legislation. Instead of penal colonization, we have created a gigantic colonial necropolis. 10,000 have left to the colonies. Today barely 1,100 remain, of which half resemble cadavers who are waiting for death to deliver them from this hell. ... Half of these men are only guilty of fighting misery, who is the sole recidivist. ... I could not insist enough on the atrocities committed in this so-called penal colony, which we should name the metropole's slaughterhouse (since in matters of sociology hiding a truth is a crime.) ... In the eyes [of the guards] it is not a man that they kill, but a registration number. Homo homini lupus! ... The just protests [of the law's victims] crashed against the insolent and proverbial inertia of our great and omnipresent administration."

century.² Similarly, the social and demographic effects following the shutdown of the *bagne* was felt long after the repatriation of the former convicts in the mid-twentieth century.

The Ministry of the Navy directed this particular penal institution, since the *bagnes* evolved from the galleys. Once the manpowered ships were powered by steam instead of convicts, the Ministry transformed the galleys into prisons located in port cities, such as the ones in Toulon, Brest, and Rochefort. These port prisons were not the only exceptional penal measure of the nineteenth century. Political dissidents faced exile and deportation and during the French Revolution, the government exiled refractory priests to agricultural camps in French Guiana. If exile and deportation were some of the measures taken against counterrevolutionary individuals during the French Revolution, transportation was a practice firmly instituted during the Second Empire, following the command of Louis Napoléon. In the mid-nineteenth century, the colonial *bagnes* came to combine imprisonment with exile. After the riots of 1848, the legislators of the Second Republic scrutinized the provisions for deportation. During this time, the deportation of criminals went through an initial revision, following which those arrested were sent to Algeria. Following the rapid shift from the Second Republic (1848-1852) to the Second Empire (1852-1870,) once the emperor, Louis Napoléon, was in power he continued to push the Second Republic's plan to transport convicts to the French colonies. Louis Napoléon, however, ruled the

² In fact, as Colin Forster explains in *France and Botany Bay: The Lure of the Penal Colony*, France had long wanted to emulate the British penal colonies in Australia, but the expenses and political upheavals following the French Revolution had made it difficult to prioritize the project (2). According to Forster, two pamphlets evaluated the case of Botany Bay, the British penal colony, in comparison to the French criminal law: *Le Botany Bay français*, written by J.F.T. Ginouvier, in 1826 and addressed to Count Chabrol de Crouzol, Minister of the Navy and Colonies and *De la colonisation des condamnés*, written in 1827 by Benoiston de Châteauneuf. Thus, penal colonization was not a new endeavor of the Second Empire, or of the Third Republic, but a carceral organization that the French government had long considered and whose functioning, Foster suggests, had much to do specifically with French political mentality. Forster, Colin, *France and Botany Bay: The Lure of the Penal Colony* (Carlton South: Melbourne University Press, 1996), 12-14.

Algerian prisons inefficient because, he argued, they were too close to metropolitan France, and the convicts could too easily plan their escape. Two decrees in 1852 established French Guiana as the replacement convict destination.³ The Law of Transportation of 1854 sealed the fate of this new generation of convicts and marked the beginning of the forced labor sentence in French Guiana.

The Third Republic (1870-1940) enacted two other laws that sent to the colonial *bagnes* other types of criminals: the deportation law of 1872 and the 1885 law of relegation. The law of March 23, 1872, reestablished the practice of deportation of political dissidents, which had not been a common practice since the times of the French Revolution. The *communards*, who had briefly ruled over Paris as a left-wing collaboration from 1870-1871, were by far the biggest group affected by this law, the majority of whom were transported to New Caledonia. The most famous *communarde* exiled because of the 1872 law and deported to New Caledonia was Louise Michel. Other political dissidents, such as anarchists or the famous Alfred Dreyfus, continued to be deported following the same law. In French Guiana, political dissidents were placed in isolation in Cayenne and the Île du Diable.

After May 27, 1885, a third law ordained transporting to the colonies yet another type of criminal: recidivists. The Law of Relegation exiled repeat offenders to the same penal colonies as the *transportés* and the *déportés*; this third group became known as the *relégués*. Relegation worked as an automatic sentence after the delinquent's third sentence to three or more months of prison, a three strikes you're out model. While transportation affected criminals who had committed crimes deserving of the death sentence or more than two years of prison (assassinations, murders or great thefts), relegation fell upon delinquents who had a longer

³ Decrees of March 27 and May 31, 1852.

history of lesser crimes involving fraud, theft, assault and battery, vagrancy and homelessness, among other misdemeanors. In other words, it affected men and women who were already struggling to survive in metropolitan France.⁴

During trial, judges determined whether to sentence people to jail or to a correctional institution. If it was the third condemnation to three or more months in jail, the accused was first sent to jail to complete the time due for the misdemeanor, and the sentence to relegation was automatically added. After leaving their local prison, the prisoner was sent to a detention center or *dépôt de relégation* where he or she waited to board a convoy to the colonies. Within the *dépôt* the prisoners were labeled '*relégable*' and they spent between three to six months in these special detention centers. Before they were shipped to the colonies, a medical commission evaluated the recidivists' general health to determine if they would be able to survive the journey and the tropical climate, and to work performing hard labor. For decades, the *relégués* were transported in the *Loire*, a ship operated by the Ministry of the Navy and Colonies and which stopped first at French Guiana and then left for the *bagnes* of New Caledonia.⁵ Once in the colonies, the *relégués* were assigned to the relegation camps.

The civil camps for *bagnards* were in two main colonial locations: French Guiana and New Caledonia. In 1863, following an expedition of the Ministry of the Navy to find new colonies that could serve as penal territories, New Caledonia became the second base for convict

⁴ All three laws (transportation, deportation and relegation) also applied to the French colonies and overseas territories. As I explain later in the Introduction, the second biggest group of *relégués* came from Algeria. However, during my research, I came across very few letters from the Algerian *relégués*. The only two I found during my work at the archives remained untranslated, even though the penal administration demanded a translation of all correspondence written in a language other than French.

⁵ As the galleys turned into port-city *bagnes*, and the port-city *bagnes* later became the colonial *bagnes*, these prisons continued to be administered by the Ministry of the Marine and the Colonies. Ultimately, when the two ministries split in 1894, the Ministry of the Colonies inherited full administration of the *bagnes*.

transportation. Most of those arrested following the unrest of the Paris Commune became prisoners of the New Caledonian camps. The penal camps in the island were located in Noumea, Bourail, Isle of Pines, Nou Island and the Ducos Peninsula. Compared to French Guiana, this colony's life as a penal territory was short-lived; the Pacific *bagne* lasted from 1864 until 1898.⁶ Guiana's penal settlements endured, albeit with a few interruptions, from the agricultural colonies in the eighteenth century and the transportation of priests during the French Revolution, until 1953, when the last *bagnards* were finally repatriated after the closing of the *bagne* in 1938. During the most active period of the penal administration (1854-1938), the Caribbean colony had three big penal territories: the three Iles de Salut, St. Laurent-du-Maroni, and St. Jean-du-Maroni. These three sites were the main detention camps, but there were also satellite camps and prisons in Cayenne, Kourou, and the islet St. Louis, as well as smaller settlements along the Maroni River and the northern part of the country. These other camps included camps for the lepers and for the convicts who were incapable of performing hard labor. The lepers were isolated and barely fed enough to survive by way of baskets attached to wires that were sent over to the islet with provisions, while the handicapped were still obligated to perform smaller tasks such as fabricating straw hats or shoes. The *bagne*'s network also comprised prisons, hospitals, farms, and mines, where the convicts worked, as well as disciplinary camps for headstrong individuals.

Relegation had two different regimens: collective and individual. Collective relegation, as the name suggests, was internment in a camp or building where the majority of the *relégués* lived. The camps, similar to the transportation camps, were barracks that disposed of hammocks or makeshift beds. The *relégués* worked completing chores around the camp, chopping wood, mining, farming or performing other hard tasks in the surrounding area. Collective camps also

⁶ However, after the closing of both penal territories, the convicts remained in the colony until repatriation, which could take place as long as decade later.

had prisons, isolation cells and the guards' quarters. At rare times, the *relégués* with a spotless disciplinary record were allowed to work in the hospital or as butlers in private homes and to return to the camp at curfew. Even though the legislators encouraged individual relegation, collective relegation remained the relegation regimen by default and more than two thirds of the *relégués* were held in collective relegation camps. The most common sentence was eight years to collective relegation, and often a supplementary sentence to permanent exile in the colony.

Individual relegation was less restrictive, but no less of a punishment considering how hard it was to live in the penal territory. Individual *relégués* were granted a small farm or concession within the territory of the penal administration. These *relégués* were responsible for tending their business or agricultural plot. The penal administration provided food and supplies during the first six months of ownership, until produce grew. Individual *relégués* could marry or ask for their spouse and children to move to the colonies with them. Collective *relégués* could aspire to individual relegation if they paid in full their justice fees and had saved money in order to maintain themselves on their own. They also needed a recommendation from the director of their camp, the head of relegation and the colony's governor. Once in the individual relegation camps, the *relégués* were subject to constant inspections and they were restricted to the penal territory by way of a residence ban. They needed official permission to leave the territory and travel to other cities; individual *relégués* could not leave the colony. Individual relegation was the default regimen for those convicts and *relégués* who had completed their sentences, but who had a supplementary sentence to exile and could not return to France.

The statistics of the *bagnes* are disheartening by all accounts. In total, there were around 100,000 men and 2,000 women affected by the 1854, 1872 and 1885 laws.⁷ 70,000 *bagnards* endured their sentences in French Guiana. Close to 22,000 out the total 102,000 transported to French Guiana and New Caledonia were *relégués*. From the time the first convoy with *relégués* arrived in 1887 to the *bagne*'s closing in 1953, French Guiana received 17,375 men and 519 women *relégués*. During the decade when relegation and the New Caledonian *bagne* coincided, 3,800 men and 470 women *relégués* lived on the island.⁸ Most of these convicts died shortly after arriving at the French colonies. A very small group was able to obtain presidential pardon or amnesty (as in the case of the *communards*) or to survive their sentence and return to France, but these were the lucky few. The death toll in the *bagnes* was never less than two thirds of the total. The numbers varied according to the political and economic climate in metropolitan France, because that was where the provisions came from and where the penal administration's budget was settled. In 1909, for instance, the relegation camps reported 9,948 *relégués* since the start of relegation in 1887, of which 5,719 had died: in other words, a 57% death toll. At the start of the Great War, the death rate in the relegation camps since the start of the regimen was up to 62%. In New Caledonia, the situation was similar. In 1908, for example, the relegation camp reported 3,698 *relégués*, of which 1,519 had died; that means that the death rate in the Pacific camps was around 41%.⁹ In fact, during the Second World War, the death rate in the relegation camps was worse than that of the transportation camps, true testimony to the faster deterioration of the regimen. Thus, in 1942, for example, while the mortality rate for the *transportés* was close

⁷ Isabelle Dion and Hélène Taillemite, ed., *Lettres du bagne* (Marseille: Images en Manœuvre, 2007), 7-10.

⁸ Jean-Lucien Sanchez. *À Perpétuité: Relégués au bagne de Guyane*. (Paris: Vendémiaire, 2013), 15. Dion and Taillemite, *Lettres du bagne*, 7-10.

⁹ ANOM H 2426 (New Caledonia) and H 2397 (French Guiana). Situation des effectifs 1908, 1909, and 1919.

to 3%, that of the *relégués* was 48%.¹⁰ Added to this immense number of deaths, the escapees, whom I discuss in Chapter 3, further minimized the workforce within the camps. Combined, successful evasions and deaths represented more than 72% of the total of *relégués* who had arrived in French Guiana by 1909; that means that 72% of the *relégué* population was absent from the camps. In 1919, the escaped and the deceased represented 79% of the total number of convicts who had arrived to the colonies.¹¹ By 1909, only 43 *relégués* had received amnesty or a presidential pardon; out of the 9,948, that number amounted to .4% of the total of recidivists exiled to the colonies. In 1919, 2.2% of all the *relégués* who had disembarked in French Guiana had received an amnesty or pardon. Lué's account of the incredibly high number of deaths in the penal colonies, then, was not an exaggeration.

Relegation may have been a recidivist hecatomb, but in administrative terms, it was a well-oiled machine. Once repeat offenders were categorized as *relégables*, the penal institution made sure that the great majority were permanently exiled from metropolitan soil.¹² Relegation was not only the 1885 law, but also a decree that ensured its operations in the colonies and the division between *relégation collective* (i.e. life in a detention camp) or *relégation individuelle* (i.e. life in a small land concession).¹³ As an institution designed to work independently, relegation functioned within a separate territory within the penal colonies and mobilized civil servants, prisoners who could work for the colonial infrastructure and women *reléguées* who could marry

¹⁰ Sanchez, *A Perpétuité*, 311.

¹¹ ANOM H 2397. Relégués: situations, salaires, décès, successions 1887-1918. January, 1909 and January, 1919.

¹² This is also a claim in Stephen Toth's book, *Beyond Papillon*, where he writes: "Recidivism appeared to require an institutional solution not found within the penal system, namely, what to do with the habitual criminal who had become an object of terror and contempt in fin-de-siècle France." Stephen Toth, *Beyond Papillon: The French Overseas Penal Colonies, 1854-1952* (Lincoln: University of Nebraska Press, 2006), 22.

¹³ See appendix to read all four legal texts concerning relegation.

their male counterparts. Unsurprisingly, because relegation was a metropolitan venture, its colonial administration faced the difficulties that arose from placing hubs in Guiana and New Caledonia while the management center remained in France. This arrangement allowed for not a few misunderstandings along the command chain as well as with local authorities and businesses. For the governments and populations of French Guiana and New Caledonia, this meant that they did not have to economically support the relegation centers, but they nonetheless encountered other problems with the freed and escaped *relégués*. The freed *bagnards* became a social problem since they often remained unemployed. The *bagnards* who lived outside of the collective camps posed other issues to the local populations. The ex-convicts occupied and inhabited space outside of the penal territory, their agriculture depleted resources and markets in their surroundings, and employing penal workforce was a procedural nightmare for local private enterprises. Relegation remained an ill-conceived institution both in France and in the colonies. While in France it gained legitimacy only because of the urgency that legislators accorded it, in the colonies it remained an extraneous institution of no great advantage.

Relegation, an exceptional measure

In practice, the penal colonies created more problems than they solved. The only beneficiary was metropolitan France. The greatest number of *relégués* came from French urban centers, specifically from Paris and Lyon. The colonies, far away and underdeveloped, were chosen as depository centers by a metropole that found itself crowded with criminals. However, if the solution was inefficient it was in part because the problem was misunderstood. During the legislative elections of 1881, politicians blew out of proportion the statistics on petty crime and made the relegation of repeat offenders a priority. Recidivists, notably vagrants, came to be part

of the so-called dangerous classes¹⁴; since they were deemed contagious, the solution was a preemptive one.¹⁵ In metropolitan France, the Law of Relegation was first discussed during the political campaign of 1881, when the Republicans promised to deal with a higher incidence of criminality. Lawmakers based their claims of a higher crime incidence on an addendum to the *Compte général de l'administration de la Justice*, which gained greater popularity than ever in 1880. Starting in 1826, the *Compte* gave statistics on judiciary activity as well as the proportion of recidivists in comparison to the general criminality, thus making recidivism traceable. The numbers in 1880 revealed a severe increase in recidivism.¹⁶ The growth of recidivism became a heated subject; even worse, it was thought to be contagious when in close proximity to criminal individuals. These legislators, following the leadership of Léon Gambetta and of Pierre Waldeck-Rousseau later on, proposed relegation not only to reform the petty criminals, but also as a way to empty the overpopulated French prisons.¹⁷ Relegation intended to solve the rise of recidivism and of overcrowded prisons by opening the valve of the colonies.

The end of the nineteenth century in France was haunted by the specters of social deviancy as Dominique Kalifa and Robert Nye, among others, have amply demonstrated.¹⁸ The press and the popular genre of *faits divers*, along with literature, such as Eugène Sue's *Les Mystères de Paris*,

¹⁴ See Louis Chevalier, *Classes laborieuses et classes dangereuses à Paris pendant la première moitié du 19^e siècle*. (Paris: Plon, 1958).

¹⁵ Toth writes that "reduced to this level of abstraction, the vagabond was troubling not only for his state of being, but also for his potential future criminality" Toth, *Beyond Papillon*, 25.

¹⁶ For further information on the *Compte général de l'administration de la Justice* of 1880 see Martine Kaluszynski, "Le criminel à la fin du XIX^e siècle. Autour du récidiviste et de la loi du 27 mai 1885. Le paradoxe républicain de l'exclusion," in *Les Exclus en Europe*, dir. A. Gueslin and D. Kalifa (Paris: Editions de l'Atelier, 1999).

¹⁷ See Jean-Lucien Sanchez, "La relégation des récidivistes en Guyane Française: Les relégués au bagne colonial de Saint Jean du Maroni, 1873-1953" (PhD diss., EHESS, 2009), 45-48.

¹⁸ See Dominique Kalifa, *Crime et Culture au XIX^e siècle* (Paris: Perrin, 2005) and *Les Bas-fonds: Histoire d'un Imaginaire* (Paris: Seuil, 2013). See also Robert Nye, *Crime, Madness and Politics in Modern France: The Medical Concept of National Decline* (Princeton: Princeton University Press, 1984).

fired the social imaginary with tales of the new urban perils and social ills.¹⁹ Publications such as Joseph Reinach's press reviews in *La République* and his article series in *Revue politique et littéraire*, which he later published as a book titled *Les Récidivistes*, steered the electorate's support for the measure of relegation.²⁰ Reinach's publications popularized references to recidivists as "incorrigibles," "professional evildoers" and an "army of crime" or even an "army of the homeless."²¹ Reinach summarized the ideal political project in his articles. For him relegation was a way to: "montrer comment la société peut se délivrer de ses pires ennemis en leur mettant entre les mains, sur une terre lointaine, les instruments de la réhabilitation morale, les outils du travail."²² Thus "public opinion" inspired the need for a law on relegation. It is still unclear whether the crime incidence was indeed augmenting, if this was only the upper class's perception, or if the increase was peddled by newspapers and publications such as Reinach's, resulting in a developing consciousness – but more importantly fear – of social issues. As Jean-Lucien Sanchez points out in his thesis *La relégation des récidivistes en Guyane Française*, even though public opinion cannot be understood as an unequivocal concept, politicians employed an objectified "public opinion" as a social motor to pass the bill, which reassured the upper class more than it solved any real problem.²³ The Opportunist Republicans gained power, and the Minister of the Interior, Waldeck Rousseau, supported the law enthusiastically. The new administration approved the Law of Relegation on May 27, 1885. President Jules Grévy also signed a decree on relegation on November 26, 1885.

¹⁹ See Robert Nye, "The Politics of Social Defense: Violent Crime, 'Apaches' and the Press at the Turn of the Century" in *Crime, Madness and Politics* (Princeton: Princeton University Press, 1984).

²⁰ Joseph Reinach, *Les Récidivistes* (Paris, 1882).

²¹ *Idem*, p. vi, vii, xi.

²² *Idem*, p. ii.

²³ Sanchez, *La relégation des récidivistes en Guyane Française*, 25, 42.

Relegation appeared to plow through these stages, but not all legislators were on board with the decision to exile repeat offenders. Socialists and legislators following Clemenceau's political lines fervently opposed relegation.²⁴ For them, the issue of vagrancy and petty theft was a greater economic question that had been grossly misunderstood. A critique of Reinach's articles best synthesized the opposition:

Tout le monde sait que la chose est économiquement impossible sous l'organisation sociale actuelle. Ainsi, selon M. Reinach, le libéré non soutenu à l'expiration de sa peine, redevient ce qu'il était auparavant, un délinquant. Ou bien 'on le sauve' en lui faisant une position meilleure, en lui assurant une existence honnête. A ce prix, cela va de soi, tous les misérables deviendront délinquants. Voilà où devait aboutir une question aussi mal posée que mal comprise.²⁵

The main argument against relegation was that the measure criminalized poverty more than it targeted a criminal seed. As I illustrate in Chapter 1, socialists frequently opposed relegation, declaring it a misapprehension of the problems troubling the lower classes.

In the courts, confusion grew due to the uncertainty of the criminal formula necessary for conviction. The exact number of offenses before relegation as well as the severity of the prison sentence for the last crime was left as a prerogative of the judges, and so, the margin of interpretation as well as the application of the sentence was not uniform across the country. The ambiguity of its application made for a systematic and harsher implementation of the law in two sites: Paris and Algeria.²⁶ For lack of a sound solution to the problem of an objectively defined

²⁴ Sanchez, *La relégation des récidivistes en Guyane Française*, 79-85.

²⁵ Jules Brouez, "Les récidivistes" in *La philosophie de l'avenir*. (Paris, 1881), 245-253.

²⁶ The top two origins of the *relégués* were the department of Seine (12.75%) and Algeria (5.29%). Sanchez, *La relégation des récidivistes en Guyane Française*, 213-214.

criminal class, the Law of Relegation became an instrument to cleanse urban centers, where overcrowding was thought to lead to vice.

Due to the types of crimes considered for a sentence to relegation, three different courts were in charge of the same condemnation. The *cour d'assises* was in charge of felonies, the *tribunaux de police* handled misdemeanors, and between both, the *tribunaux correctionnels* were in charge of the *délits*, or moderately serious offenses. In fact, the *tribunaux correctionnels* handled 80% of the condemnations to relegation.²⁷ Before relegation, those affected by this law had to first spend the time due for their last crime in jail, and only after that were they relegated to the penal colonies. This obligatory sentence to prison, which the *relégués* had to fulfill before leaving for the penal colonies, is proof that the overcrowding of prisons was not the biggest issue at the heart of this legislation.

Even though the law provided for a return to France, this was seldom the case. In practice, relegation meant exile for life in a French colony. The French colonial penal system was a vast network with institutions for transportation, deportation, or even imprisonment of local rebels and soldiers, each in different establishments across the French colonies. The main relegation camps within New Caledonia and French Guiana were located at Bourail and St. Jean-du-Maroni, respectively. St. Jean's distance from the penal town of St. Laurent-du-Maroni was a conscious decision. The distance between both camps would prevent the *relégués* and the *transportés* from being in close proximity. Also, following the initial plan, St. Jean was to remain a more open correctional facility, where the *relégués* engaged with the local population on a regular basis; however, this was never the case. With the haste in France to empty the prisons, the buildings that would lodge the *relégués* upon their arrival at Guiana were not yet

²⁷ Sanchez, *A Perpétuité*, 18.

built when the first convoy arrived in 1887. The prisoners had to live in very precarious conditions while they built their own future dwellings. Relegation camps should have allowed for integration of the *relégués* into the communities where they were located, and the majority of their inmates were indeed allowed to work outside the camps, but since the bare necessities such as housing and food provisions were not fully covered, the penal administration quickly dropped these hopeful plans of integration and rehabilitation.

The constant improvisation that plagued relegation camps made the regimen practically indiscernible from the previous convict system, transportation. The other convicts perceived the *relégués* as ill-fated, petty criminals, who had committed crimes so insignificant that they had not earned their right (if such a thing could be considered a right) into the *bagne*. For other convicts, the *relégués* in no way deserved to expiate their crimes through hard labor. Relegation thus became the more feared of the two regimens due to the deplorable living and working conditions; it unfailingly inspired a greater sense of pathos. Forced labor camps were in no way agreeable, of course, but most convicts believed that it was a greater fatality to be an exiled *relégué* than a *transporté*; the punishment for the former was certainly much more disproportionate in view of their crimes. The famous *bagnard* Henri Charrière briefly referenced this very situation in his novel based on his experience at the penal colonies, *Papillon*. Charrière mentioned how the *transportés*, “*les durs*,” thought the *relégués* were “weak criminals” who did not really belong in the penal colonies; he also mentions in passing a few officials and judges who, the author says, preferred dealing with *transportés* than with *relégués*.²⁸ According to Charrière it was for this reason that the *transportés* avoided the *relégués* and professed a certain

²⁸ Henri Charrière, *Papillon* (New York: Harper Perennial, 2006), 35, 49-50.

pride for their position. For lack of better preparation, relegation ended up being worse than the convict system preceding it.

The fatality of the *relégués*' situation, beyond the disproportion between crime and punishment, was also manifest in each individual legal proceeding. Obtaining the final sentence to relegation was similar to playing the wheel of fortune. The judges decided on the length of the condemnation to prison, and it was not rare to encounter judges who, given their disagreement with the spirit of the 1885 law, systematically punished some crimes with less than three months in jail in order to avoid the automaticity of relegation.²⁹ In this way, relegation depended greatly on the understanding of the particular judge. The consequence was a striking lack of uniformity across the board. Even considering a same offense, for example theft, there were *relégués* punished for stealing wax for candles and bread, as well as for stealing thousands of francs. The condemnation to exile was supposed to work in an automatic way after the third strike. However because the judges decided the severity of the punishment, the process remained a deeply subjective one, as it ultimately depended on the clemency or severity of each individual magistrate.

If not even the magistrates agreed on the difference between stealing bread and stealing a wallet with hundreds of francs in it, there was no unchanging parameter of severity among the crimes that the *relégués* had committed. The legislators who defended relegation argued that the real danger resided in the recurrence of criminal behavior and not on the gravity of a particular crime, but the decision to send only those with more than three condemnations each longer than

²⁹ In order to be relegated, the recidivists had to be sentenced to three or more months in jail for their last crime. Jean-Lucien Sanchez illustrates how the severity of the punishment for same crimes decreased after the law of 1885 came into place, manifesting the disagreement between the judges and the legislators on the subject. Sanchez, *La Relégation des Récidivistes en Guyane Française*, 210.

three months implies, on the contrary, that the severity of the crimes *was* taken into account. Those who were sent to the colonies were statistical fatalities and did not necessarily have a worse criminal record than those who were not sentenced to relegation.

Reconfiguring the history of the *bagnes*

Lué's letter was loose and buried in a file of private correspondence, along with other administrative documents pertaining to relegation, and yet, it is one of the documents that best described the relegation system and the topic of this dissertation. First of all, Lué's complaints were in no way unique. As I explain in Chapter 1, the regimen of relegation faced constant criticism because it had failed to work as a project of agricultural colonization. The relegation camps failed time and again to meet the standards drawn by legislators and even by the colonial inspectors who periodically supervised the penal territory. Human rights organizations, such as the Ligue des Droits de l'Homme and the Society of Liberated Prisoners, often defended the *relégués* against the abuses of the penal administration. For instance, these organizations led legal battles against wrongful sentences, provided trade education for liberated prisoners, and conducted preemptive campaigns among the homeless population. In this way, Lué's claim was not a new issue for the Ministry of the Colonies.

The very commonness of the letter is also the reason it epitomizes relegation and this project. Lué's critique was ordinary and lost in a sea of malfunctions. As a researcher, cases like this one led me to my biggest questions: if relegation was at every stage a failed enterprise, why and how did it continue to exist until the mid-twentieth century? If relegation really led to the death of the great majority of these repeat offenders, how could the project continue to be presented as a viable colonization effort? Finally, if the situation Lué described was ultimately ignored, was this indifference in the face of tragedy a persistent trait of France's imperial administration? Jules

Lué hints toward part of the answer I found during the course of my research: inertia due to the bureaucratic apparatus that reigned over the *bagnes*. Indeed, the number of letters, authorizations, and proceedings needed to achieve anything in the penal territory was virtually insurmountable. Yet paperwork alone is not enough to explain this deeply flawed colonial penal system.

Books on the history of the colonial *bagnes* share Lué's concern regarding a stagnated and dysfunctional regimen but stop short of depicting the particularities of relegation.³⁰ The death rate at the relegation camps varied anywhere from 30%, at best, to 60% during the times of hardship caused by the World Wars. No one debated Lué's suggestion that the penal territory was a necropolis from which all wished to escape; he was not speaking metaphorically. This side of relegation is mentioned in all historical texts regarding the colonial prisons in French Guiana and New Caledonia. Yet the history and the statistics of the death toll within overseas territories are included in those of the transportation system even though both regimens were demographically different. The penal and colonial administrations also treated relegation as a subsidiary of transportation, even though the two systems were different, and even though the 1854 and 1885 laws proposed different treatments for the convicts affected by each. Historians of the *bagnes* also have left undistinguished the difference between each regimen's goal and functioning. In this way, transportation absorbed the history of relegation, and relegation's uniqueness has disappeared in the shadow of its older brother's regimen.

This oversight of a better differentiation between both regimens surprised me, because relegation stood out as a legal anomaly for me and because I was struck by how different a criminal group the *relégués* were. The particular circumstances that led these recidivists, many of

³⁰ See *Les femmes bagnardes*, Krakovitch; *Beyond Papillon*, Toth; *La fin du bagne*, Donnet-Vincent; *Bagnards: La terre de la grande punition*, Pierre, to name a few.

whom lost their lives in the penal colonies, to a life of hard work to which they were not predestined by law, appear to fade in order to give way to an overarching conclusion regarding the penal territory and the colonial administration. Their voices are silenced by the stories of the *transportés*, whose cases outnumbered those of relegation in New Caledonia and even more so in French Guiana. As Lué pointed out, relegation was a retrograde law even though it dealt with a new wave of petty criminals (or so the legislators defended). The 1885 law's most backward trait was that it copied an old draconian punishment and embellished it with a reformist vocation, as Reinach presented in his articles. This use of an old measure, labor in exile, to quell the recent French imperial drive backfired in the case of relegation, and it never became the aid to colonization that legislators promised.

Some work has recently come out on relegation as a separate penal system. Aware of the same oversight I noticed, Jean-Lucien Sanchez wrote his doctoral dissertation and subsequent book, *À Perpétuité*, to explain the legislative and administrative intricacies of relegation. Sanchez attends to the question of the real motivations behind the law, which above all targeted urban centers to cleanse them of petty criminals and vagrants. Sanchez also explains the entire functioning of the relegation camps in French Guiana from an administrative point of view. However, the relegation files at the archives that pertain to the *relégués* are still greatly untapped. The testimonies that the *relégués* themselves left, their voices, have yet to come to the fore.

To achieve this study of the *relégués*' life at the penal territory, I heavily relied upon my archival research and complemented these primary sources with works on the general functioning of the penal institutions and on the history of the *bagnes* and of prisons in France during the nineteenth century. I owe a great deal of inspiration not only to Sanchez's book, *À Perpétuité*, but also to books on the social history of the *bagnes*, such as *Biribi* and *Beyond*

Papillon. In *Biribi*, Dominique Kalifa traces the history of the military prisons in Africa, while Stephen Toth dedicates his book, *Beyond Papillon*, to a similar study of the forced labor camps of French Guiana. Both were crucial in understanding socialization among the convicts and the ordinary life of prisoners within these camps, thereby allowing me to better understand the context for both the relegation camps and my readings of archival documents. The state of exception in which the *bagne* was submersed is one the topics in Miranda Spieler's dissertation and subsequent book, *Empire and Underworld*. While Spieler discusses liberated slaves and forced labor convicts earlier in the nineteenth century in French Guiana, her explanation of the legal limbo to which both groups were subjected helped me conceptualize a similar concept of "non-lieu" in the case of *relégués*. Finally, the archives pertaining to the *bagnes* include more than 5,000 boxes, and I would not have had the time to understand the general functioning of these institutions, nor its longer history, without the help of books on the general history of the *bagnes*. The most important of these were: Danielle Donnet-Vincent, *Du soleil et des silences: Histoire des bagnes de Guyane*; Odile Krakovitch, *Les femmes bagnardes*; Eric Fougère, *Le grand livre du bagne en Guyane et Nouvelle Calédonie*; and Pierre Michel, *La Terre de la grande punition* and *Le dernier exil: Histoire des bagnes et des forçats*. I compared these general histories of the *bagnes* with accounts of other French colonial prisons. *Biribi*, for example, presents the history of the most feared prison complex in Northern Africa, whereas Peter Zinoman's *The Colonial Bastille* presents the case of the local political prisons in Vietnam during the French occupation. Contrasting these books, I realized that the penal administration's budgetary needs and the climate of French Guiana were not the only reasons that relegation failed; the issue was profoundly ingrained in the French empire's *modus operandi*.

Undoubtedly, it is significant to the history of the *bagnes* that these penal institutions were in the hands of the Ministry of the Colonies and that local colonial officials helped direct the prisons, but this explanation does not go far enough in exploring the convicts' everyday life – for instance, how they experienced citizenship, belonging, civil rights, family life, farming, or free labor – in their new colonial context and outside of the collective camps. In this dissertation, I expand the concept of who was 'colonial' and apply it to the *relégués*, even though they remained imprisoned French citizens. I discuss the *relégués*' daily struggles and compare them rather to those of colonial citizens or colonial subjects. My contention is that *relégués*' accounts help us to understand how they became a hybrid or "bridge population" between colonial inhabitants and French citizens and that this particular position is not apparent in official memoranda concerning relegation. In this sense, I engage with previous scholarship on the *bagnes*, but in my own discussion of the institutions I consider the *relégués* as colonial subjects whose voices are clearly heard in the archives and not just as French prisoners in a colonial territory.

The files of the *bagnes* of both New Caledonia and French Guiana are located in the Archives Nationales d'Outre-Mer (ANOM) in Aix-en-Provence, and they constitute their own wing of the archives, Section H. To study the *relégués*, I first researched their personal registration files. Specifically, I chose to focus upon the *relégués*' own accounts instead of administrative interpretations of their situations because no one has focused on the *relégués*' private correspondence and individual files before. These documents allowed me to read a first-hand narrative written by the subjects condemned by the law. I consulted more than 200 files that contained private correspondence. The letters that these archives contained were those that prisoners had written, as well as those their family members had sent to them. The *bagnards*

normally kept their private correspondence, so the letters that remain archived were retained either because they contained subversive content or because the addressee had died before receiving the correspondence. Thus there is both wonderful material and inherent bias in these documents.³¹ Alongside the *relégués*' private letters, I consulted the administrative files for the entire relegation system as well as, for comparative purposes, some regarding the transportation camps. Even though my initial inquiry was centered on the *relégués* and their voices, I could not have composed this project without these administrative files, which allowed me to piece together the fragmentary narratives I read in each letter. The administrative documents included registration forms from the prisons in France or the camps in the colonies, letters between the guards and the colonial administration, correspondence with the Ministry of the Colonies and of the Navy, statistics, punitive measures, and police reports, among other memoranda. Immersed in the letters marked as 'administrative' there were also a considerable number of letters from private entities and other organizations: newspapers and editors, prisoner associations, asylums, syndicates, lawyers interceding for a particular *bagnard*, etc. Rarely was I able to connect each individual letter with its affected victim, but the interest that the general public demonstrated in these organizations' letters spoke volumes of the place of the *bagnes* in French society as well as in the French imaginary back in the metropole. Because some *relégués* were allotted their own farms or small businesses, and this was a matter settled by an administrative organ separate from the penal administration, the Conseil Privé, I also consulted the archives of the colonies' Conseil

³¹ In this sense, I rely on case studies in a similar way to Robert Darnton (*The Great Cat Massacre*) and Natalie Zemon Davis (*Women in the Margins*.) The goal, as Darnton explains, is to write "history in the ethnographic grain." In this dissertation, these case studies serve to describe the ordinary experiences instead of the predominant or official discourses regarding the penal colonies and recidivism. These various individual accounts from the *bagnes* propose new interpretations on the penal colonies and life in the colonies. See Robert Darnton, *The Great Cat Massacre* (New York: Basic Books, 1984), 3-6.

Privés in the section of Affaires Politiques. Finally, I conducted a smaller part of my research in the archives of the Ligue des Droits de l'Homme in Nanterre, which holds valuable files of wrongful convictions to relegation.

In this project, I build upon previous work on the history of the *bagnes* by tracing the history of relegation through the individual experiences of the *relégués* and not the penal administration's official discourse. Relegation should not be reduced to a third transportation sentence but discussed as an independent colonization project. In order to understand how the regimen was different, we must consult the accounts that the *relégués* left in their letters because they narrate how the *relégués* battled to live more as settlers than colonial prisoners. Indeed, relegation camps, though they shared much with the metropolitan and colonial penal administration, had much that was particular, too. Individual relegation, for instance, was carried out in small parcels or businesses. This made the regimen much more similar to a community, but the *relégués*' condition in these farm lots was so miserable that we still cannot compare them to settler families, the military personnel, or even other poor colonial citizens. The personal letters attest to a different life than that of a prisoner; the *relégués* describe in their letters a family and work life outside the camps. Their personal accounts also underscore a differentiation process by which their transformation into colonial subjects started within metropolitan France. This vision, however, is not part of the official discourse of the *bagnes*, and scholars have yet to read these letters in order to add relegation as a particular facet of French colonialism.

My methodology departs from previous works on the *bagnes* in that I start with the individual files and letters, thereby placing the prisoners themselves at the heart of a broader history of the relegation camps. If there has been no other first-hand history of relegation, it's because until recently with Sanchez's work no one had written a comprehensive study of

relegation. Also, the task required a daunting categorization effort if anyone were to read all the letters in the archives, as well as an interdisciplinary approach in order to incorporate the disparate subjects that the letters treat. According to the ANOM database, there are around 600 relegation files marked as containing private correspondence. After consulting and categorizing a third of those cases, I can understand why a study like this one had not come out earlier. The greatest challenge when dealing with personal letters is contrasting the testimonies with administrative accounts and finding a middle ground that, without reducing the resulting work to an anecdotal project, still grants a space within which to read the opinions of the convicts and their families, the prison guards, colonial administrators, and the medical staff. Two hundred dossiers paired with the administrative files at first constituted what appeared to me to be a cacophonous narrative. As I sorted the files into chapters on the most prevalent problems plaguing the *relégués*, I soon found that only by analyzing the history of the *bagnes* as part of the greater field of French imperial history could I begin to understand the polyphony.

French imperial history became an essential component of my context and analysis because imprisonment did not curtail the *relégués*' interactions with the colonies where they lived. Even though the measure was a punitive one, the *relégués* remained French citizens who had to adapt the same as voluntary French settlers to the climate, the land, and the society of the colonies. In the *bagnes*, the *relégués*' lives were governed by both local colonial governments and, to a greater scale, the Ministry of the Navy and the Colonies. I side with historians of hexagonal France in the recognition that relegation was without doubt a law enacted to empty the metropolitan prisons from a petty criminal overpopulation and the urban centers from the extremely poor, homeless, and errant population. However, I chose to develop my dissertation within an imperial studies framework because it is impossible to avoid this analysis when,

following relegation, the *relégués* could only reassert their rights through the mediation of the Ministry of the Colonies. This dissertation expands upon other historical texts on the *bagnes* not only because I study relegation from the bottom up (i.e. using the *relégués*' accounts as my point of departure) instead of solely from an administrative and legal point of view, but also because I insert relegation within the wider framework of French colonialism. I demonstrate, furthermore, how the *relégués* understood that the 1885 law worked at two speeds: they understood that the penal administration acted against the idyllic outcome of reform and agricultural colonization, with which the legislators had embellished the bill of law.

I conduct two concurrent analyses: one of the criminal and legal procedures, and a second concerning the experiential component of relegation. By focusing on the *relégués*' letters, I bring to the fore their own accounts in a conversation on colonial prisons that has rarely included this group of prisoners. The *relégués* have had so far a virtually inexistent role not only in history, but also in cultural productions that depict the life at the *bagnes*. Popular culture (songs about prison for instance,) folklore and myths about the *bagne*, as well as journalistic investigations and memoirs gather rather the stories and experiences of the *transportés* and *déportés*, and leave relegation in the shadows. Despite this oversight, the way the *relégués* handled bureaucratic procedures or work provisions signals to a striking difference from other convicts, but more importantly to how they fitted within colonial history. The *relégués*' experiences, while they remain unstudied, outline these recidivists' transition into colonial subjects. Thus, in the light of colonial history and the penal administration, the archives that the *relégués* left are a valuable resource.

I argue, first, that the *relégués* battled to maintain their legal right to the status of worker and colonial settler. I base most of my case studies upon the private files of the *relégués* and their

private correspondence to show how active they were in claiming their right to reunite their families, for instance, and procure jobs. Without this valuable testimony, it is easy to categorize convicts at the penal territory as pertaining to the same regimen because the prison guards and the penal administrators rarely traced the distinction in their communications. The penal administration attributed most mishaps within the camps to the *relégués*' discipline; this focus does not allow one to discern that the *relégués* did aspire to reform and settle overseas through work on their farms or in small businesses or by forming families in the colonies. Through first-hand accounts, we can appreciate a more cohesive, albeit diverse, group of exiled criminals. The documents, private letters, and legal proceedings permit us to distance the *relégués* from the categorization that prosecutors and guards assigned to them as 'incorrigible' and open up a window for understanding how and why the group was, in fact, an administrative creation. Individual accounts of life in the *bagnes* prove time and time again how artificial was the category of an 'unreformable deviant,' and how resolute the *relégués* were in their efforts to lead lives of work in the colonies.

Second, I maintain that this oversight regarding the two contending interpretations of the law was possible because of relegation's particular place in France's colonial enterprise, which allowed the penal administrators to draw a parallel between French deviants and the local (colonized) population. Even though the *relégués*' situation was never exactly the same as that of the indigenous populations, the disregard for both groups was evident. In the case of relegation, contempt towards the recidivists stemmed from the legislators, and the upper class's widespread belief that these criminals were permanently impaired and could never readapt to social norms. For this reason, legislators conceived a ruthless punishment after the third offense and immediately set a distance between metropolitan France and this group made up of individuals

who, each in his or her own way, had failed to conform to a strict code of conduct. I therefore propose that the legislators added a colonial provision to relegation not only because the French empire needed a captive workforce in French Guiana and New Caledonia, but also because the imperial dynamics during the Third Republic influenced the social imaginary as well as political mentalities that made this law possible. The imperial drive becomes in this way both the motivation and the excuse to punish petty crime with exile.

Third, I illustrate how, as a result of the factors described above, this imperial prism granted relegation its uniqueness. Relegation was not only based on the conviction that these recidivists were incorrigible but also that they were intrinsically different from other criminals. In 1885, the nature of the French nation and its colonial possessions had greatly changed from 1854, when transportation was first decreed. Following the colonial conquests of the 1870s and 1880s, France became a full-fledge republican empire. The Third Republic's imperial ambitions and colonial administration were very different from those of the Second Empire in 1854; they now sought to assimilate the territories and their population to France.³² Advances in colonial conquests and scientific progress at the colonies, such as tropical medicine, made their way back to France, and these findings then had an impact on the categorization and treatment of criminal relapse, insanity, and other social ills. When legislators created relegation with the help of penal administrators, in their view a new type of criminal, different from the 1854 criminal, had emerged, and their findings depended heavily on the French empire's heritage over the social paradigm.

³² For an explanation of how the republican empire worked differently from previous French colonial empires see Tyler Stovall, "The Republican Empire" in *Transnational France: The Modern History of a Universal Nation* (Boulder: Westview Press, 2015).

In sum, this dissertation is about navigating relegation. Other than Lu  s metaphor regarding administrative inertia, I contend that the 1885 law was constrained because of “colonial entropy,” a term I have coined to describe the disorganization towards which the penal administration and, in consequence, relegation were drawn because of the distance between the metropole and these criminals.³³ This institutional deterioration allowed for conflicting interpretations of relegation, which are only distinguishable through the *rel  gu  s*’ accounts of their experience in the *bagnes*. Through their letters we can see not only what relegation set out to be, but also how it was practiced and failed. Once sentenced, the *rel  gu  s* needed an initial economic advantage to obtain a concession and strong social resources and cultural capital to override the bureaucracy. They also needed luck, so as to avoid a local illness. Most of those sent to the relegation camps lacked all three advantages. In this project, I focus on this majority and therefore upon everyday life under the regimen, as well as the ruses and daily activities of this hybrid migrant group of French deviants, many of whom were not so very deviant in practice.

The relegation archives rarely reveal a complete story. The files might contain a letter that the *rel  gu  s* wrote or received, a photograph or a quick citation as part of a report, but little else that allows us to reconstitute a seamless history out of each individual file. As a researcher, these ellipses were one of the biggest challenges while writing a thesis that focuses on the experience of relegation. The fragmentary state of the relegation archives meant that I had to adopt a microhistory approach through which I could evaluate each dossier under the lens of specific albeit broad topics such as family life, criminal medicine, and labor. Despite some individual stories that remain unfinished, I use the files that left the individuals who “disappeared” from the

³³ Edmund Burke uses this same term in his book *The Ethnographic State: France and the Invention of Colonial Islam*. However, my own use of the term differs from his. I understand entropy as a disorganization consequence of geographic location, and Burke mentions the term in passing to explain how local circumstances were chaotic.

penal colonies to resolve historical interrogatives. In this way, the *relégués*' individual experiences shed light over the relation between the criminalization process and the colonial territory, and the regimen's lengthy existence even though it remained a disproportionate punishment for petty criminals. Precisely because the files I chose to discuss here are so pertinent to explain the *relégués*' colonial life, I chose to discuss open-ended files. By doing so, I strive to highlight the particular testimony that the *relégués* left, and I stress why this matters within colonial history despite the tragic or undocumented ending that many of these lives shared.

The ineluctable empire

Beyond the malfunctions that all penal colonies dealt with, relegation originated as a poorly conceived project in the metropole. The dysfunction within relegation was based heavily on the problem of identification and treatment of criminal behavior and social ills in France. The *relégués* cannot be reduced to convicts in the colonies versus criminals in France, in the same way that the Law of Relegation cannot be reduced to a law to control the rise in petty crime without any consideration of how it fit into the colonial system. The scientific paradigm that derived from the progress of medicine and the science of colonial conquests fed into the institutions in charge of criminalizing this group of French citizens. Due to this symbiotic relationship, I based my dissertation on the fields of postcolonial and imperial studies, which has not been the traditional theoretical background for histories of French convict transportation.³⁴

³⁴ Even though I do not cite them directly, my own understanding of 'subalterns' in the colonial space and of 'hybridity' are based on Spivak and Bhabha's postcolonial theories. I include the *relégués* as part of the group of what Spivak dubs the 'subaltern.' According to Spivak the subalterns' situation (their representation rather) within the (post)colonial space constitutes a communicative impasse between the group and the group in power. I extend the epithet of 'subaltern' to the *relégués*, but I propose that the difficulty in understanding the *relégués*' situation arrives primarily from an epistemologically complicated hybrid situation regarding their civil rights, citizenship and imprisonment. Here, I understand 'hybridity' in a similar way to how Bhabha explains the distortion or dilution of authority in "Signs taken for wonders," as a

Either transportation has been studied as a transplantation of the metropolitan penal administration with metropolitan prisoners, or each penal colony has been studied only in relation to the territory where it was based. As they were French laws that mostly exiled French citizens, relegation and transportation have thus far remained a topic of hexagonal French history. In this sense, I am following recent scholarship such as Frederick Cooper and Ann Stoler's *Tensions of Empire*, which argues that France and Empire need to be studied in a single analytic field.³⁵ In the introduction to their book, Cooper and Stoler propose that: "The most basic tension of empire lies in what has become a central, if now obvious, point of recent colonial scholarship: namely, that the otherness of colonized persons was neither inherent nor stable; his or her difference had to be defined and maintained."³⁶ As I explain in this dissertation, the *relégués* were equated with colonial subjects whose difference – whose incorrigibility and deviance in the case of the *relégués* – had to be constantly defined and maintained as well. The *relégués'* experiences also tested, as Cooper and Stoler propose of colonial projects, the contradictions inherent to the metropole.³⁷ Similarly, I follow Tyler Stovall's proposition in *Transnational France* that France needs to be studied conjointly with its overseas dynamics and not just through an independent chronology of nation-state events.³⁸ Stovall echoes other historians of colonialism in the assertion that "the Third Republic was an imperial republic, and

consequence of the local history, ethnography and geographic displacement. See: Gayatri Spivak, "Can the Subaltern Speak?" in *Social Theory: the Multicultural and Classic Readings* (1998). Homi Bhabha, *The Location of Culture* (London: Routledge, 1994).

³⁵ Frederick Cooper and Ann L. Stoler, ed., *Tensions of Empire: Colonial Cultures in a Bourgeois World* (Berkeley, Calif: University of California Press, 1997).

³⁶ Cooper and Stoler, *Tensions of Empire*, 7.

³⁷ "Eric Hobsbawm argues that imperialism "dramatized the triumph" of the ruling and middle classes of Europe. But one could argue the other way around: colonial projects also showed up the fundamental contradictions inherent in bourgeois projects and the way universal claims were bound up in particularistic assertions." Cooper and Stoler, *Tensions of Empire*, 3.

³⁸ Tyler Stovall, *Transnational France: The Modern History of a Universal Nation* (Boulder: Westview Press, 2015).

colonialism did shape the lives of its citizens as well as its subjects.”³⁹ Following this lens of the study of empire as a dialogic rather than binary relation between colony and metropole, relegation attests to both how the metropole experimented in the colonies’ principles of republicanism, citizenship, and universalism, and how, in return, these principles evolved in the colonial soil before returning to France transfigured. The *relégués* remained a hybrid group of citizens, prisoners, and colonial settlers because the French empire set the conditions for this outcome.

This insertion into imperial history, and not only metropolitan French history, is necessary for reasons of more consequence than just the geographic location of the *bagnes*. First, French imperial dynamics extended the country’s political sphere of influence, and not even in France could local life be entirely extricated from events in the colonies.⁴⁰ By extension, relegation under the French empire became a measure with consequences beyond its punitive role. Studying the *relégués* as colonial settlers, instead of purely as prisoners, enables a consideration of their day-to-day lives as family members and migrant workers. This reevaluation of their status also allows me to expand the discussion beyond the penal administration’s malfunction.

Second, postcolonial and imperial studies are the means by which the *relégués* can be analyzed as French colonial settlers and workers and are also the means that allow us to understand why and how the *relégués*’ situation must be understood in parallel to that of the indigenous population. Postcolonialism encouraged an initial fissure within scholarship, a questioning of empire-colony relations, but in its zeal to propose a newfound denunciation of

³⁹ Stovall, *Transnational France*, 237.

⁴⁰ See: Boittin, Jennifer. *Colonial Metropolis: The Urban Grounds of Anti-Imperialism and Feminism in Interwar Paris* (Lincoln: University of Nebraska Press, 2010).
Fogarty, Richard S. *Race and War in France: Colonial Subjects in the French Army, 1914-1918* (Baltimore: Johns Hopkins University Press, 2008).

colonization with strong political overtones, it also sustained that the relation between metropolises and colonies had remained unilaterally hierarchical.⁴¹ Recently, scholars have reevaluated the linearity of this relationship and have suggested a more symbiotic relation between metropolitan France and its colonies.⁴² For instance, Gary Wilder in *The French Imperial Nation-State* reconsidered the antinomy of a nation-state that acts as one through its imperial drive and politics. Wilder establishes that the paradox of a Third Republic that was simultaneously universalist and particularist does not have to be resolved through a Manichean division of the French empire's behavior in metropolitan France versus in the colonies.⁴³ Within a black-and-white scheme, the *relégués* remain French prisoners; however, through a more supple understanding of the history of the French empire they could be understood as hybrid French-colonial citizens. Given that the French empire held a reciprocal relation with its colonies during the Third Republic, the *relégués* could no longer belong to an exclusive category of prisoners and criminals; they were a particular type of French and colonial citizens exiled to French Guiana and New Caledonia.

This reconceptualization of the *relégués* as colonial subjects, in turn, leads to the third benefit of this change in historical lens: rethinking the French Third Republic. The *relégués* were equated to colonial citizens and distanced from hexagonal France due to their repeated criminal

⁴¹ This is the case of a Marxist postcolonial critique such as the one the Aimé Césaire presents in *Discours sur le colonialisme* and Frantz Fanon in *Les damnés de la terre*.

⁴² According to Ania Loomba, contemporary postcolonial studies and studies of imperialism redirected their course in the aftermath of the globalization phenomenon. Globalization brought back into controversy concepts that belonged to postcolonial studies, but that had been dismissed by leading scholars earlier, such as 'hybridity' and 'difference.' The ensuing analyses on postcolonialism and empire were not so much concerned with a discussion of 'center and periphery,' but rather with transnational networks. See Ania Loomba, *Colonialism-postcolonialism* (London: Routledge, 2015), 9-11.

⁴³ Gary Wilder, *The French Imperial Nation-State: Negritude & Colonial Humanism between the Two World Wars* (Chicago: University of Chicago Press, 2005), 7.

acts, but the mechanism by which relegation was institutionalized can be traced to an earlier colonial history, and relegation was not a purely metropolitan invention. In the case of relegation, republican and colonial dynamics were not mutually exclusive but reverberated with one another. Before we can study the epitome of this metropolitan-colonial reflectivity at the height of the French empire in the early twentieth century, we should analyze the *relégués* as intermediaries, examples of an initial dialogic colonization.

All four chapters of this dissertation are heavily grounded in the relegation archives, and in them I reveal the ordinary lives of the *relégués* once they had settled at the colonies. In Chapter 1, I unweave the relationship between relegation and the French empire's geopolitical strategy. Through the *relégués*' registration files and inspections of the relegation camps, I demonstrate how this group of repeat offenders was semantically equated, physically distanced, and obligated to endure the same conditions as other French colonial citizens.⁴⁴ In Chapter 2, I explain how the *relégués* struggled stubbornly to settle in the colonial territories and reunite their families within the penal territory, as the law intended, despite the constant bureaucratic and economic barriers that they confronted in the process. Chapter 3 details how the *relégués* were in reality a migrant workforce. I discuss particularly the labor that a few escapees accomplished across South America, and I compare the *relégués*' situation to that of other colonial workers across the French colonies. I focus specifically upon the forced labor provisions of the *Code de l'Indigénat*. Finally, in Chapter 4, I discuss a group of *relégués* who, I propose, epitomized the social specter

⁴⁴ The *relégués*, despite their lack of mobility within the camps and the abuse they faced from the part of the guards, were not in the exact position as colonial subjects. As French citizens, the *relégués* relied on the social and cultural capital from France. They contacted their local priests, lawyers and mayors and some even obtained political representatives to defend their claims. The *relégués* also maintained their civil rights, even when they participated in work provisions that resembled or were drawn as a copy of the Code de l'Indigénat, which were projects drawn to oppress the local colonial populations and place them at a disadvantage from French colonial citizens.

of the deviant at the turn of the century: the repeat offender who suffered from a mental illness. In this last chapter, I trace the history of the treatment of insanity in the courts, along with the development of colonial (tropical) medicine in order to illustrate how legislators and magistrates conflated mental incapacity with staunch criminal behavior. I present the history of colonial medicine, especially when it relates to the medicolegal debates in courts, as an entryway into an earlier imperial history of relegation.

Finally, there is something to be said about my choice and interpretation of files, and what I decided to leave out of my analysis. First, I do not excuse or scrutinize the crimes that the *relégués* committed. When it is useful to understand a guard's or the prosecutor's comment or a reference in the personal letters, I do point out the paradoxes between the crime and the remarks in the files. However, I do not provide a sociological explanation for the motives behind the crimes that led to relegation. Such an analysis is part of the debate over of the legality and fairness of punishment, and that is not the purpose of this dissertation. Second, I do not present the few stories of the *relégués* who succeeded, by which I mean those who survived their condemnation and maintained a successful farm or business concession. As I explained above, the *relégués* who did not die in the colonies represented a very small percentage of those affected by relegation. In fact, reading through the files I only found one dossier of a *relégué* who, through money that he possessed before relegation, was able to buy a second farm lot and consolidate the two territories after moving his family to New Caledonia. There were other archives at the Ligue des Droits de l'Homme of a handful of convicts (*transportés* mostly) who obtained a presidential pardon following proof of a wrongful conviction. Ironically, it might have been harder for *relégués* to prove wrongful conviction given the pettiness of their three crimes. I read two stories of wrongful conviction and one of a *relégué* who for years was too sick to

undertake the trip to the colonies, so he was pardoned. I chose not to present these abnormal stories because they were not at all representative of ordinary life in the *bagnes*, but I think it is important to remind my readers that there were such counterexamples. Lastly, I do not explain the legal intricacies and the administrative organization of convict transportation and of relegation. The book *A Perpétuité*, as well as the other books mentioned earlier in this introduction on the history of the *bagnes*, are excellent sources of information on the birth of the institution as well as the sociopolitical and cultural climate in France that led to the 1854, 1872, and 1885 laws.

Lué wrote, “Half of these men are only guilty of fighting misery, which is the sole recidivist. ... I could not insist enough on the atrocities committed in this so-called penal colony which we should name the metropole’s slaughterhouse (since in matters of sociology hiding a truth is a crime.)” The exile of thousands of petty criminals should not remain a hidden truth in matters of history either. This dissertation is an initial study of the 22,164 men and women who were relegated to the French colonies for recidivism from 1887 until 1953. Through their letters and stories we can understand how ordinary life unfolded in the French penal colonies and why those lives, too, were colonial lives that mattered.

Chapter 1: Establishing and maintaining a distance from the inassimilable

“Qu’on les gracie!”⁴⁵ cried André Berthon across the Chamber of Deputies in 1921. The socialist deputy was part of a heated discussion regarding the fate of hundreds of repeat offenders, who in France awaited exile because the ship (the *Loire*) that transported these criminals to the penal colonies had broken down. Prisons in France were overcrowded, so returning these criminals home was not a likely alternative. Relegation, or the transportation of recidivists, was officially approved in 1885, but decades after its instauration, some legislators and magistrates who thought that exclusion and exile were not the solution to the rise of petty crime, still opposed the law vigorously. Berthon’s suggestion had little to do with the breakdown of the ship and far more to do with a system over forty years old and just as irreparable.

In this chapter, I demonstrate how relegation was an imperial project more than it was an effort to control recidivism in France. I first analyze the problematic transition that the 1885 legislators traced from the categorization of recidivists as “incorrigible criminals” to individuals who, in their view, belonged in the colonies. The legislators and politicians who supported the Law of Relegation battled left- and right-wing opponents to irrefutably categorize these repeat offenders as irredeemable and transform them into *relégués*. Other deputies, like Berthon, proposed that repeat offenders could still reform or be treated in France; however, the 1885 Law ploughed through and survived for more than fifty years. Relegation constantly pointed towards the artificiality of the deviant group the lawmakers had created in their rush to implant a systematic exile regimen, which like many colonial institutions ended up being an inefficient measure stiffened by bureaucracy.

⁴⁵ ANOM H 1942. Chambre de Députés. 1^e séance du 3 février 1921. Berthon was referring to a group of *relégués* and *transportés* who had already fulfilled their penalty while still in France, but who would in any case be sent to the colonies for lack of loopholes or provisions that ordered otherwise.

Second, I explain how the concept of an incorrigible criminal was coined and how it gained ground. Though the term ‘relegation’ was adopted late into the law’s appearance, ‘incorrigibility,’ on the other hand, was always the law’s target. The epithet quickly came into use within the prisons and during prosecution. Prison guards, colonial penal administrators, lawyers and prosecutors used the term widely to describe the delinquents in each individual file. This usage contributed greatly to the sense of a spread of a staunch deviancy that was never scientifically proven.

Finally, I dive into the ordinary life at the relegation camps through a detailed examination of the law and the reports of three colonial inspectors. I provide an overview of the local colonial and penal administrations and how they ran the relegation camps. I then contrast these two local administrative organizations with the inspectors’ observations regarding the management of the regimen. These reports confirm that there was no small disparity between an idealized form of relegation and what it truly became once the system was established in the colonies. Moreover, the inspectors’ comments suggest that the issue derived rather from the colonial nature of relegation more than from the repeat offenders’ criminal tendencies.

Throughout this chapter, I retake the discussion of the “incorrigible” *relégués* in a similar way to how historians Jean-Lucien Sanchez and Stephen Toth did in their books on the penal colonies.⁴⁶ I first explain how the term became popular and how the penal administrators and legislators applied it to the recidivists. However, my own discussion of the term ‘incorrigible’ is directly linked to colonial subjects. My approach expands on the debate regarding colonial subjects and adds a French population that was part of different social margins, such as the poor

⁴⁶ See Stephen Toth, “The Desire to Deport: The Recidivists of Fin-de-siècle France” in *Beyond Papillon: The French Overseas Penal Colonies, 1854-1952* (Lincoln: University of Nebraska Press, 2006). Sanchez, “L’ennemi irreconciliable de l’ordre social” in *A Perpétuité*, 19-23.

and criminal. The result is a hybrid French colonial *relégué*, who must be understood as both a French citizen and a permanent resident of the colonies.⁴⁷ I explain how the colonial inspectors stressed the *relégués*' precarious and ambiguous situation, while they denounced that the *relégués*' poor training and living conditions. In this sense, I coincide with Alice Conklin's study in *A Mission to Civilize* as I also explain how the ideology (rehabilitation, in this case) was tested in the colonial territories, and officials were gradually forced to put into place a more practical application.⁴⁸

Relegation and the French Empire

Like Berthon, many legislators and magistrates did see beyond the imperialistic drive to populate the penal colonies with yet another group of criminals. Berthon's cry, "Grant them pardon!" was also the leitmotiv in Senator Bérenger's Parole Law project. Even though Berthon was a socialist and Bérenger a devoted Catholic, they agreed that relegation was an unfair, inefficient treatment for repeat offenders. In 1885, Bérenger proposed a legal procedure radically different from relegation; he proposed modifying the residence ban and adding a laxer parole, thus allowing a greater opportunity for the criminal to reform. However, Bérenger's project could not compete with the Law of Relegation.

⁴⁷ I base my use of the term 'hybrid' as one that applies to the *relégués* by way of Homi Bhabha's theories on hybridity in Chapter 3 and 6 of *The Location of Culture*. Bhabha explains the problem of representing the colonial space and colonial subjects in an understandable language to the colonizer. Even though the *relégués* were French, I propose that their situation (even their representation) was equally problematic in France as that of the colonial subjects. See Homi Bhabha, "The Other Question: Stereotype, discrimination and the discourse on colonialism" and "Signs taken for wonders: Questions of ambivalence and authority under a tree outside Delhi" in *The Location of Culture* (London: Routledge, 1994).

⁴⁸ See Alice Conklin, *A Mission to Civilize: The Republican Idea of Empire in France and West Africa, 1895-1930* (Stanford: Stanford University Press, 1997), 6.

Simultaneous to the Waldeck-Rousseau project of relegation, Senator Béranger proposed the Parole Laws of 1885, and a similar text in 1891, after the Assembly rejected his initial project.⁴⁹ These two bills proposed radically different treatments to recidivism. Based on his own beliefs as a Catholic and his experience with the prison administration, Béranger proposed an escalation of the sentence in the gravest cases of relapse, but insisted in keeping the individuals out of prison as much as possible. Exile, of course, was out of the question, given that Béranger insisted that deviants were redeemable. In short, there were no “incorrigibles” for Béranger. This effort to combat relapse into crime was the exact opposite of relegation; the idea was to avoid jail at all costs for first-time offenders and a belief that even repeat offenders, that men in general, were perfectible. Béranger’s project passed as an unheard, or rather ignored, plea at rethinking the penal code and ideas of criminality, and relegation was voted as a better solution to recidivism. However, it serves to exemplify how contested the debate over relegation was and reveals a legal antecedent to the criminological views that later replaced relegation. Relegation primed over concurrent solutions to crime control and the social experiment was quickly put into place, but the law was not unopposed.

The legislative majority quickly set to rest the issue of recidivism, even though it never entirely appeased the minority, like Berthon and Béranger, who denounced relegation. In the end, the consensus was that since transportation already exiled dangerous criminals to the same territories, the disproportion of the punishment was a greater concern than the approach of recidivists to colonial subjects and the colonial space. It was not really an issue of turning French citizens into colonial subjects *de facto*. There was an unfeigned interest to hide both populations.

⁴⁹ Lois Béranger. Jean-Lucien Sanchez. “Les Lois Béranger (lois du 14 août 1885 et du 26 mars 1891)” *Criminocorpus. Histoire de la criminologie*, 3 (2005): accessed April 5, 2015.

However, discrimination against French citizens attests to a different kind of imperial government. Intolerance towards difference and a rule on “normality” pertain to regular republican dynamics, but only in times of empire can a government exile to the penal colonies those who pose an affront to the Republic’s stability in an effort to advance its geopolitical objectives through the Penal Code. By means of relegation, criminal law exceeded its jurisdiction, and, though some legislators pointed this out, the situation was ultimately disregarded. Indeed, as Sanchez points out in the conclusion of his book, the empire offered the perfect escape valve in order to expand the provisions of criminal law back at home and rid the country of its inassimilable or disruptive characters.⁵⁰ Similarly to Sanchez, Peter Redfield observes in *Space in the Tropics* that:

The penal colony marks a boundary of the nation, a limit of its identity in both geographic and social terms. Like any colony it represents a physical extension of national influence, something between “home” and “abroad,” a home abroad to be governed and transformed by a master home. Yet, unlike other colonies, it is specifically peopled by those decreed unfit to live within the nation, dangerous elements governed through colonial distance, former nationals now reborn at a lower order. Place thus becomes tremendously important, even as geography of type overwhelms exact location.

Exile is outside the nation but not beyond its greater borders of political and conceptual

⁵⁰ In *À perpétuité*, Sanchez uses the definition of empire that Frederick Cooper proposes in *Colonialism into Question* and writes: “Le bagne, cette énorme “machine à faire le vide” comme la surnomme Albert Londres, est donc un outil répressif qui constitue une déclinaison parmi d’autres de l’usage d’une colonie au sein de l’empire colonial français, c’est-à-dire au sein d’une vaste unité politique qui reproduit “la différenciation et l’inégalité chez les peuples qu’il inclut.” Sanchez, *À perpétuité*, 298.

empire; rather it occurs within the imperial framework of national identity as an intimate reversal.⁵¹

The most interesting phenomenon about the penal colonies is, as Redfield remarks, that beyond being a gathering place, the penal colonies were an extension of the French subaltern classes.

The automaticity and lightness of this shift between criminal and colonial subjects is problematic, to say the least. Behind the complexity of the relegation regime lays an intricate artificiality that reveals much of what was (ab)normal at the turn of the century. The *relégués* found themselves at the limits of normalcy and the embouchure of deviancy. But the ambiguity of recently created social categories at the end of the nineteenth century was not the only motor of the 1885 law; the inner politics of France at the time must be analyzed concurrently with its imperial strategy. In fact, the figure of the *relégué* is only approachable following this dual examination, not only because the recidivists inhabited both territories, but also because by doing so they adopted practices and survival strategies that belong more to colonized subjects facing an empire, rather than their own country. Thus, contiguous to colonial history, the process of relegation shares what Ann Laura Stoler calls an “ambiguous epistemic space,” allowing “new social objects [to be] the archives’ product as much as subjects of them,” much as the *relégués* were also created as a category that allowed for a bureaucratic structure to form around them,

⁵¹ Peter Redfield, *Space in the Tropics: From Convicts to Rockets in French Guiana* (Berkeley: University of California Press, 2000), 103. Richard Price reestablished Redfield’s argument and stated that: “La colonie de la Guyane sert la nation par une production économique, mais aussi en lui offrant la résolution d’un de ses problèmes internes, la délinquance. Bien que la définition de la colonie vienne de la métropole, cette colonie, où criminels et coloniaux sont rassemblés dans un seul lieu, marque non seulement l’extension de la société nationale, mais aussi les bornes inférieures de cette société.” Richard Price, *Le bagnard et le Colonel*. (Paris: Presses universitaires de France, 2000), 73.

which found its legitimacy in being traced back to the paperwork it generated in the first place.⁵² Discrimination as well as distance made the *relégués* colonial, and the estrangement process started in their home country.

Two challenges arise from considering the *relégués* as doubly subaltern characters, both in France and in the colonial territory. First, as Gary Wilder warns in “Unthinking French History: Colonial History Beyond Identity,” we should avoid accepting republicanism, contrary to racism and colonialism, as an untroubled concept:

This perspective thus tends to focus on contradictions *between* republicanism and colonialism or racism rather than *within* the French nation-state itself. By identifying the problem as a lack or absence of republicanism or as the failure of the nation to realize its own promises, the normative French nation remains the ultimate and untroubled referent to historical analysis.⁵³

Exiling petty criminals to the *bagnes* was, yes, a discriminatory practice, but it does not follow that ridding the country of disruptive elements was uncharacteristic of the French republican government, nor that discrimination against socially destitute groups was a specifically colonial practice. Rather, the exclusion of deviancy was at the heart of both projects. Much like the imperial dynamics that Frederick Cooper and Ann Laura Stoler discuss in *Tensions of Empire*, where “the otherness of colonized persons was neither inherent nor stable [and] his or her

⁵² Furthermore, Stoler claims that “much like imperial formations themselves, colonial truths were provisional and subject to change.” Stoler, *Along the Archival Grain*, 43.

⁵³ Much like the subject of the present thesis, Wilder suggests later in the essay that: “rather than ask whether republicanism was sufficiently extended in the colonies or what impact colonialism had on national identity, colonial history could illuminate the fundamentally disjunctive relationship among race, nationality and citizenship.” The figure of the *relégué* highlights precisely the permeability of these terms into one another. Gary Wilder, “Unthinking French History: Colonial History Beyond National Identity” in *After the Imperial Turn*, Antoinette Burton, ed. (Durham: Duke University Press, 2003), 129.

difference had to be defined and maintained,” the French state created a perpetuating system to deal with the inassimilable difference that the recidivists within the country represented.⁵⁴ In order to prevent criminal sprawl, the government feared it had to perpetually name and constantly maintain its reasons for keeping this group at a distance. The Law of Relegation, a triumph of bourgeois morality, exemplified how the French nation separated unyielding difference from itself in a very similar way to how it dealt with the discrepancies in the colonies as an empire.

The second challenge for the researcher of relegation is that, at both ends, neither intra-nation-state politics nor imperial dynamics proposed stable categorizations of these repeat offenders. The law, though unchanging in its written form, was not an impediment to a multiplicity of interpretations. The experiences of the *relégués* both in France and in the colonial territory were even less predictable than the public opinions about them in metropolitan France. Though relegation remained a despairing experience, and even though they faced an artificial and unstable categorization, the *relégués* worked their way through the imperial bureaucracy. Thus, though at first the process of relegation overpowered the criminals affected, through the years in the *bagne*, the *relégués* came to master the paperwork required to better their situation, the administrative lexicon that they and their families had to employ in their letters, and the colonial terrain where they were forced to settle. This means that relegation was far from resembling its idealized legal form, and the regimen became rather what the *relégués* and local administrators shaped it to be when they undertook the administrative labyrinth. In this sense, I contend that the *relégués* learned how to practice the space, to override the bureaucratic barriers in order to survive or escape the *bagne*. At the same time, the entire relegation process, from the

⁵⁴ Cooper and Stoler, *Tensions of Empire*, 7.

condemnation until the convict's release, struggled to create a uniform deviant group while disavowing its own artificiality. Therefore, the administrative paperwork also concealed that there was never a homogenous and contagious deviant group who deserved exile. Despite its discouraging volume, and precisely due to the anonymity that bureaucracy and criminology allowed, individual men and women were both trapped and freed within the paperwork and procedural labyrinth even while they remained hidden from the metropolitan society.

Relegation was also an imperial project because its ability to control recidivism remained unproven, and so it remained a law intended to exile rather than chasten and correct. Bérenger and Berthon sustained that relegation did not reform the criminals; the law's efficiency at deterring crime was also uncertain. The Law of Relegation was explicitly created to remove vagrants and petty thieves from urban centers because they were considered incorrigible social threats. However, contemporaries never conducted a definitive study of this population, their "incorrigibility," or their treatment. There were also visible indicators of relegation's deficiency, which the French government chose to disregard. The most evident shortcoming that legislators decided to ignore was that the law did not discourage repeat offenders from their criminal activities. This could be proven through the growing rate of petty crimes even after the law's instauration, which was still noted in the *Compte général de l'administration de la Justice*. Thus, while in 1885 the *Compte* reports that 89,634 individuals were tried for recidivism, by 1890 the total of repeat offenders was up to 99,098.⁵⁵ During those same two years, vagrancy and homelessness grew from representing 24% of the trials to 27%, and theft grew from 21% to 23% of the total proceedings of repeat offenders. The 1885 law's failure at preventing recidivism was also a well-known fact among the colonial administrators and inspectors. Inspector Norès, whose

⁵⁵ *Compte général de l'administration de la Justice*. Ministère de la Justice. (1885, 1890) *Gallica*, accessed April 10, 2015.

report I discuss later in this chapter, noted that if there were fewer recidivists in the colonies, it was not due to the effects of the Law on the criminals but due to the judges who were trying recidivism in a more condoning way.

Both statistics, regarding softer sentences and rising recidivism, also point to the fact that the 1885 legislators never seized the group they presumably targeted. Because relegation applied to a vast list of petty crimes (fraud, adultery, homelessness, assault and battery, theft, swindle, residence ban, vagrancy...), this group of offenders became synonymous with the destitute and lower classes who roamed the urban centers and who were more prone than other social groups to find themselves homeless, begging, or stealing food. Unable to find work because of a previous residence ban or to secure a house after an initial account of homelessness, the individuals who became *relégués* were trapped in a self-perpetuating cycle of delinquency for which they were labeled “incorrigible.” In legal terms, the Law of Relegation sought to deal with recalcitrant delinquents; in reality, the all-encompassing umbrella of crimes accounted for by relegation persecuted the poor and those unable to obtain work or secure a household. This heterogeneous mass of criminals became the specter that the Opportunist Republicans used to haunt the popular imagination in 1885.

The criminal phantom that led to the ambiguous legal categorization of *relégués* was not a new creation of the nineteenth century but the imperial institutionalization of an older and previously uncategorized deviant. In his lecture titled *Abnormal*, Michel Foucault discussed three criminal figures that became incorporated in the legal discourse of the nineteenth century through the incursion of psychiatry in the courtroom: the monster, the individual to be corrected

and the onanist.⁵⁶ The eighteenth-century incorrigible that Foucault mentioned resulted in the recidivist who was increasingly prosecuted during the nineteenth century. The enactment of relegation copied two ambiguous traits that, according to Foucault, were intrinsic to the figure of the ‘individual to be corrected’ centuries earlier. According to Foucault, the incorrigible

is so much an everyday phenomenon – and this is his first paradox – that he is, so to speak, typically regular in his irregularity. As a result, the figure exhibits a number of ambiguities that we will encounter again, long after the eighteenth century, in the problematic of the abnormal man. First of all, because the individual to be corrected is a very frequent phenomenon, because he is very close to the rule, it is always very difficult to define him. There is a kind of familiar, everyday obviousness that renders him immediately recognizable; but he is so familiar that we do not have any definite evidence that an individual is this character. Consequently, being unable to provide any proof, we can never really demonstrate that an individual is incorrigible. He verges precisely on undecidability. We can offer no evidence or proof of incorrigibility. This is the first ambiguity.⁵⁷

Just as Foucault described in this first paradox of the “incorrigibles,” incorrigibility in 1885 is equally as common and unseizable. Irreformability remained an unstable if ubiquitous category. As I explain in Chapter Four, the vastness of the definition of the repeat offender incapable of reform is further expanded and transposed to the repeat offenders who suffered from a mental illness, even though those affected by relegation were never a coherent group.

⁵⁶ Michel Foucault, *The Abnormal: Lectures at the College de France 1974-1975* (New York: Picador, 2003), 57-59.

⁵⁷ *Idem*, p. 58.

The second paradox that Foucault mentions concerning the incorrigibles led to relegation as a system: an apparatus that would address incorrigibility and reform simultaneously.

What defines the individual to be corrected is that he is incorrigible. However, paradoxically, insofar as he is incorrigible, he calls up around him a number of specific interventions over and above the customary and family techniques of training and correction, that is to say, a new technology of rectification, of supercorrection. Thus a kind of game between incorrigibility and rectifiability emerges around the individual to be corrected. An axis of rectifiable incorrigibility emerges on which we will later find the abnormal individual and which will serve as a support for all the specific institutions developed for abnormal individuals in the nineteenth century.⁵⁸

In the case of the *relégués*, correction was to be achieved only through agricultural work within the colonial space. Following the 1885 law, the colonies were a *tabula rasa* for these “rectifiable incorrigibles.” Relegation came to relay Foucault’s figure of the eighteenth century incorrigible in that it intensified what Foucault dubs ‘incorrigibility’ and ‘rectification’; the former was so extreme that rectification was only achievable at a great distance from the metropole, and no metropolitan institution was deemed fit to control these repeat offenders. The Ministry of the Navy and the Colonies, which had always been in charge of the *bagnes*, presented the ideal opportunity for an addition of this institution that dealt with incorrigibles.

Adding relegation to an already existing transportation regimen and entrusting its operations to the Ministry of the Colonies meant that relegation worked as a tautology. Relegation as the end product was, as Stoler declares regarding the objects of colonial archives, “a product as much as subject” of the institution that created it. Without external proof of the benefits of

⁵⁸ *Idem.*

relegation for metropolitan French society as for the French colonies, relegation's only reason for existence was exiling and maintaining at a distance. It seems that these men and women were *relégués* because they were unfortunate enough to be trapped in a system that allowed them no escape from this categorization, not because they shared a common background or a reluctance to leave their life of crime. The result was an incredibly unstable carceral network that had no proven social value and whose legitimacy was questioned by the very judges in charge of the sentence. In the end, the only cohesive trait among the *relégués* was their epithet, though previously there was not a uniform group who belonged to a homogenous category of staunch criminals before or even after the 1885 law was enforced. In other words, the 1885 legislators did not identify the social core of recidivism. Relegation's only success was the difficulty it created of escaping the regimen once the sentence to exile was pronounced.

Though relegation was corrupted by a false definition of deviancy, the recidivists who fell prey to the regimen led an uphill battle to survive relegation and actually be of service to the colonies. An enormous bureaucratic apparatus impeded the convicts' ability to override their sentences or to obtain the right to a farm concession, work and reunite their families in the colonies. In their letters of intercession, asking for a sentence remission or any favors while in the colony, few *relégués* dared criticize the disparity between their crimes and punishment because the regimen was simply overpowering. The *relégués* understood that their condemnation was an exaggerated punishment, but all demands implied an exceedingly long and painstaking process, so it was easier to accept the condemnation and try to live in the penal colonies than to prove to the authorities that a record of offenses did not mean incorrigibility. Furthermore, the Ministry of the Colonies and the Ministry of the Interior replied to all demands in the same unaffected way, including the demands that the Ligue des Droits de l'homme defended and those

of wrongful conviction. Everyone had to adhere to the standard procedure. Though some recidivists learned to work with and around the system to their own benefit, procedures generally ensured that the condemnation to relegation was a permanent categorization. After trial, the recidivists became part of a bureaucratic spiral that ensured their permanence as *relégués* and, as such, as permanent residents of the penal territory.

A virtually inescapable bureaucracy served to perpetuate not just relegation but punishment in general in France. The procedural problems that the *relégués* and penal administrators faced in the colonies were transplanted from metropolitan jurisprudence. I disagree with Foucault's statement that the state concealed punishment due to the fact that through the nineteenth century it became "inglorious to punish,"⁵⁹ because relegation to the colonies demonstrated how, as an empire at least, punishment remained a gesture of geopolitical ostentation. The determination to exile repeat offenders in the colonies and not just within France is proof that the government of the Third Republic went beyond what Foucault calls the will to hide those punished, to broadcasting an empire of difference where otherness was contained. However, there is no doubt that sentencing in general became a bureaucratic procedure that exempted the judges and legal professionals from personal accountability for a condemnation. According to Foucault: "L'exécution de la peine tend à devenir un secteur autonome, dont un mécanisme administratif décharge la justice; celle-ci s'affranchit de ce sourd malaise par un enfouissement bureaucratique de la peine."⁶⁰ Relegation in the French colonies became the epitome of this disciplinary movement towards a rationalized and impersonal condemnation process; the process of

⁵⁹ Michel Foucault, *Surveiller et Punir*, 9-18. Michel Foucault, *Philosophie: Anthologie* (Paris: Gallimard, 2004), 486.

⁶⁰ *Idem*.

estrangement started in metropolitan France, but the punishment was well expelled to colonial soil.

Bureaucracy buried the *relégués* in procedures and effectively concealed personal motivations during condemnations, but it was not enough to provide relegation with comprehensive colonial provisions. The colonial and penal administrators constantly confronted the paradoxes and shortcomings of the Relegation Law. The 1885 law was ambiguous or insufficient at times, and the administrators borrowed laws and decrees from the transportation regimen, despite it being generally agreed that relegation should be a lighter sentence. As I explain in Chapter Two, rules concerning inheritance and marriage in the colonial penal territory were copied from those pertaining to transportation, because neither the 1885 law or the decree specified if the *relégués* could marry or pass their farm concessions to their children. In the colonies, relegation was never profitable, reasonable or sustainable, but after its implementation, it was harder to dismantle the camps already in place than to stop the forcible exiles.

The greatest contradiction of this law was that it artificially created a cohesive group of criminals from a group that did not share an incorrigible tendency to crime, while it set in motion the bureaucratic apparatus that impeded reform readdressing the problem of crime. It was a punitive measure that lacked efficient colonial provisions even while exiling thousands of recidivists to the colonies. And while it strove to address the growing rate of petty crime in France, it failed to control the problem. Through the newfound Penal Code's authority, the recidivists risked being shunned in the colonies, and not just being put away in prison. Unable to control the rate of delinquency and to reform the *relégués*, the 1885 law merely displaced France's petty criminals to the colonies. Behind the 1885 law there is a double subjection of

thousands of petty criminals, who were not only cast away, but who also now came dangerously close to being considered colonial subjects.

Defining Incurrigibility

Political debates and “popular opinion” were not the only means by which the categorization of the incurrigible criminal gained ground. Prison guards and prosecutors transferred the term ‘incurrigible’ in a very concrete way directly into the recidivists’ registration forms and thus labeled most *relégués* with this epithet. Incurrigibility was demonstrated through a history of offenses listed for every *relégué*, including those listed by the prison directors and local prosecutors, who discussed the matter at length in the behavior section of the criminals’ personal records. The archives are full of prison documents with generally uniform reasons for relegation.⁶¹ Any given file might read similarly to Jules Edouard Simond’s:

S’est toujours fait remarquer en prison par sa bonne conduite et son assiduité au travail. ... Habitudes de vol. A surveiller sous ce rapport. ... Ne manifeste aucun repentir. Pas de chances réelles d’amendement. Loin de l’effrayer l’éventualité de la relégation lui sourit agréablement. Pas de bons effets à attendre de l’expatriation. ...

Conduite dans la vie libre : neuf condamnations dont huit pour vol. S’adonnait à l’ivrognerie. Se livrait au libertinage et à la débauche. Récidiviste, incurrigible.⁶²

Simond’s relegation file included the prosecutor’s observation on his conduct as well:

⁶¹ Similar files with reference to incurrigible criminals are: ANOM H3583/a Wiart, Auguste Oscar, H3647/a Bellaribi, Mohamed ben Larbi ben Ajilali, H3651/a Dautremapuisch, Zozime, H3651/a Gioani, Victor Marie, H3652/b Aïnguerad, Mohamed-ben-Boussena, H1605 & H4487/16426 Marty, Henri, H1580 Collin, Georges, H878 Vitte, Zacharie Ernest Arsène. The use of the term, however, is too widespread to be comprised into a list.

⁶² ANOM H 1182/Simond, Jules Eduouard. *Conduite, état moral et intellectuel*. Avis du Directeur de la prison.

Simond est un voleur incorrigible qui ne se conduit bien qu'en prison où il a passé 8 années de sa vie quoique âgé seulement de 38 ans, sans compter l'éducation correctionnelle jusqu'à sa 20^e année. Aucune chance d'amendement n'est à espérer et j'estime qu'il doit subir la relégation collective.⁶³

Nowhere in Simond's file is there an allusion to the negative consequences of a correctional education and a life in jail prior to relegation. Neither the prison director nor the prosecutor debated the idea that a prolonged stay in jail hindered Simond's future progress rather than correcting his ways. To them, the fact that Simond had spent his life in jail, including as a minor, indicated that he was a natural deviant. He was a good and docile worker but given to theft and visibly incapable of experiencing remorse. If a life in jail had not been enough to discourage him, relegation was the only option, an inefficient one at that, as the evaluator suggested. Not even an imminent exile could dissuade as hardened a deviant as him.

Jules Simond was thirty-eight years old at the time of his relegation, but even the very young were not exempt from classification as incorrigible. Jean Werner, for example, was twenty-five years old at the time of his condemnation to six months in jail and relegation for "incorrigible vagrancy." Under behavior observations the director wrote:

Werner que j'ai vu à la prison de Chambéry, appartient à cette catégorie de malfaiteurs dont la jeunesse même démontre l'incorrigibilité, au moins dans les conditions normales de répression. Peut-être l'énergie ne lui manquant certainement pas, Werner pourra-t-il l'employer plus utilement aux colonies qu'ici. En tous cas, il aura toujours besoin de sentir peser sur lui la main de l'autorité.⁶⁴

⁶³ *Idem*. Avis et conclusions. Avis du Procureur.

⁶⁴ ANOM H 1209 Werner, Jean. Avis du Directeur de la 21^e circonscription pénitentiaire.

In Werner's case, his young age was seen as the very mark of incorrigibility; recurrent deviancy at such a young stage was more than anything else the sign of a hopeless situation. Despite his pleas and his father's letter of intercession, Werner died at twenty-six, a year after arriving at St. Jean-du-Maroni, and was never able to be of great service to the colonies as the director of the prison in Chambéry suggested.

Prison guards did not always present an elaborate argument to prove the incorrigibility of young recidivists such as Simond and Werner. Some individuals seemed to be the very embodiment of an "incorrigible" delinquent, and these individuals' incapacity to reform was stated in a matter-of-fact manner. Lengthier delinquent backgrounds were numerous among the relegation files, but of course they still fail to prove the hypothesis of incurable deviancy. Auguste Felix Machin, for example, was twenty-one years old when he was condemned to relegation in 1893. He had been in and out of prison since he was twelve. In his file, the director of the prison noted that Machin's mother had disappeared and that his father had been in prison on various occasions as well. Under the section of chances of amendment and view on impending relegation, the director wrote: "Il n'a pour ainsi dire pas de famille, est sans ressources, ses antécédents sont très mauvais et il n'est pas susceptible d'amendement."⁶⁵ The director of the Maison de Landernau added: "les nombreuses condamnations subies par Machin qui n'a que 21 ans ne permettent pas d'espérer son amendement. Il est du reste complètement indifférent à la mesure qui le frappe."⁶⁶ It seems, then, that for Machin relegation would not be rehabilitative, though it remained a way to disembarass the country from his presence. Even though Machin's relegation served no individual constructive cause, he embarked to St. Jean in 1894. Marked on his record are at least ten escape attempts from the camps of St. Jean and the

⁶⁵ ANOM H 3586/b Machin, Auguste Félix.

⁶⁶ *Idem*.

relegation prison at St. Louis. Thirteen years later, his mother asked about his whereabouts, and twenty-three years after his condemnation there is also a letter from one of Machin's sisters on file. She asked the administrators if her brother was the *bagnard* who the press reported dead. The authorities answered that Machin disappeared in 1901. As I will explain in Chapter Three, there is reason to suspect that Machin either died in the jungle during his last escape attempt, or that he succeeded and moved to a neighboring country in South America. However, his family's ignorance of his whereabouts in their letters, decades after his last sighting, is strong evidence to suppose that he escaped and died. As in Machin's case, incorrigibility was, at times, an understandable hypothesis.

The categorization of incorrigible remained a flexible concept that the administrators, prosecutors and prison directors employed when they needed to further justify a condemnation. What is more, incorrigibility was the reason for the overwhelming number of recommendations for *relégation collective* instead of *individuelle*. The irreparable deviant nature was traced in equal measure across various cases to family history, inherent nature, social contagion, poverty or vice. Because the guards and prosecutors sustained that criminality could be acquired through social contagion, the individuals' behavior and personal ethics were not the only causes listed as leading to deviancy; criminality was also an external attribute. Thus, according to the evaluators, docile workers like Simond were exempted from an excessively malevolent nature, but they remained morally impaired in an obscure albeit fundamental way. Deviancy was also inherited according to other reports. Athur Oeser's, for example, read that he "appartient à une bonne famille, mais des mauvais instincts."⁶⁷ Arthur demanded *libération conditionnelle*, but his supervisors did not hesitate to reply that he did not deserve any favors. In other cases, the

⁶⁷ ANOM H 1131 Oeser, Arthur. "He belong[ed] to a good family of bad instincts."

argument was that relegation could not but help the families that the criminals left behind. In these cases, the criminals' punishment for being incorrigible turned into rehabilitation, even into an adventure at times. Under remarks on conduct for Victor Gioani, noted as an "incorrigible thief," the director of the prison wrote: "Il paraît être très affecté par sa condamnation à la relégation; il regrette de laisser sa femme et ses deux enfants et espère qu'une mesure gracieuse interviendra en sa faveur. Je crois cependant qu'il se conduira bien aux colonies et qu'un changement de milieu ne peut que lui être favorable."⁶⁸ Finally, it was also common to express the individual's own desire to leave. Under this light, relegation seemed to become an unsavory but prudent medicine. Camille Montré, for example, was twenty-three years old, and he had fourteen infractions at the time of his condemnation. The director of the Penitentiary Circumscription of Angoulême wrote under the section of conduct and moral state:

Est complètement indifférent à sa situation; du reste il n'est pas regretté de ses parents qui ne veulent pas entendre parler de lui. Partira aux colonies sans regret car la relégation n'est en réalité pour lui, qu'une occasion et un prétexte à voyager. L'inconnu l'attire, le fascine, aussi a-t-il hâte de partir. Malgré sa jeunesse il offre peu de chances d'amendement car il est déjà gangrené par le vice et la débauche.⁶⁹

The role of these recommendations and comments of the prison directors cannot be overstated. It was this very opinion that steered the three other signatures necessary for an official relegation process in the same direction. The doctor at the detention center and the local prosecutor gave their opinion as well, but the prison directors were the ones who knew the individuals best since they had evaluated their work and conduct during those final months in prison. Some prison

⁶⁸ ANOM H 3651/a Gioani, Victor Marie.

⁶⁹ ANOM H 3618/a Montré, Camille dit Charpentier Emile. Pièce I.

directors had even seen the individual previously in the same prison. Thus, beyond a theory or hearsay, incorrigibility became a quantifiable concept.

Legal Discrepancies

The law for relegation was finally approved on May 27, 1885 and signed by the President, Jules Grévy, and the Minister of the Interior, Allain-Targé.⁷⁰ Among its provisions the law read:

Article premier. La relégation consistera dans l'internement perpétuel sur le territoire des colonies ou possessions françaises des condamnés que la présente loi a pour objet d'éloigner de France. [...]

Art. 4 : Seront relégués les récidivistes qui, dans quelque ordre que ce soit et dans un intervalle de dix ans, non compris la durée de toute peine subie, auront encouru les condamnations énumérées à l'un des paragraphes suivants :

1ere Deux condamnations aux travaux forcés ou à la réclusion, sans qu'il soit dérogé aux dispositions des § 1 et 2 de l'article 6 de la loi du 30 mai 1854 ;

2e Une des condamnations énumérées au paragraphe précédent et deux condamnations soit à l'emprisonnement pour faits qualifiés crimes, soit à plus de trois mois d'emprisonnement pour : Vol ; Abus de confiance ; Outrage public à la pudeur ; Excitation habituelle de mineurs à la débauche ; Vagabondage ou mendicité par application des articles 277 et 279 du Code pénal ;

3e Quatre condamnations, soit à l'emprisonnement pour faits qualifiés crimes, soit à plus de trois mois d'emprisonnement pour les délits spécifiés au § 2 ci-dessus ;

4e Sept condamnations dont deux au moins prévues par les deux paragraphes précédents, et les autres, soit pour vagabondage, soit pour infraction à l'interdiction de résidence

⁷⁰ See the Appendix for a full copy of the Law of May 27, 1885, the decree of November 26, 1885 and other relevant legal documents.

signifiée par l'application de l'article 19 de la présente loi, à la condition que deux de ces autres condamnations soient à plus de trois mois d'emprisonnement. Sont considérés comme gens sans aveu et seront punis des peines édictées contre le vagabondage tous les individus qui, soit qu'ils aient ou non un domicile certain, ne tirent habituellement leur subsistance que du fait de pratiquer ou faciliter sur la voie publique l'exercice de jeux illicites, ou la prostitution d'autrui sur la voie publique.

Art. 6. La relégation n'est pas applicable aux individus qui seront âgés de plus de soixante ans ou de moins de vingt et un ans à l'expiration de leur peine. Toutefois, les condamnations encourues par le mineur de vingt et un ans compteront en vue de la relégation, s'il est, après avoir atteint cet âge, de nouveau condamné dans les conditions prévues par la présente loi. [...]

Art. 8 : Celui qui aura encouru par application de l'article 4 de la présente loi, s'il n'avait pas dépassé soixante ans, sera, après l'expiration de sa peine, soumis à perpétuité à l'interdiction de séjour édictée par l'article 19 ci-après. S'il est mineur de vingt et un ans, il sera, après l'expiration de sa peine, retenu dans une maison de correction jusqu'à sa majorité.

Art. 12 : La relégation ne sera appliquée qu'à l'expiration de la dernière peine à subir par le condamné. Toutefois, faculté est laissée au Gouvernement de devancer cette époque pour opérer le transfèrement du relégué. Il pourra également lui faire subir tout ou partie de la dernière peine dans un pénitencier. Ces pénitenciers pourront servir de dépôt pour les libérés qui seront maintenus jusqu'au plus prochain départ pour le lieu de la relégation.

Art. 16 : Le relégué pourra, à partir de la sixième année de sa libération, introduire devant le tribunal de sa localité une demande tendant à se faire relever de la relégation, en justifiant de sa bonne conduite, des services rendus à la colonisation et des moyens d'existence. Les formes et conditions de cette demande seront déterminées par le règlement d'administration publique prévu par l'article 18 ci-après.⁷¹

Article 4 allowed for the diverse sentences that the judges adapted to condemn the *relégués* to more or less than three months for a specific *délit*. Theft, vagrancy and fraud among other misdemeanors were punishable with prison, but not all judges condemned repeated offenders to the same time in jail. Article 6 specified the age of application of the sentence. Since the belief was that the problem resided within the individual, the law of relegation allowed for an accumulation of crimes even among minors, which would be tallied immediately upon an individual turning twenty-one. Particular circumstances, the reasons why people committed their crimes, were not in question. On the contrary, the evaluation files from the detention centers and prisons in France contained notes from the prison directors and prosecutors signaling that despite their young age, these men and women had proven their irremediably deviant nature. Article 16 suggested that the *relégués* had the opportunity to mitigate their sentence after sufficient amendment. In practice, the period of life expectancy for more than half of the *relégués* was much shorter than the six years required to start their process of individual relegation, and 80% of the *relégués* died in the colonies or escaped from the camps, leaving no records. The possibilities of leading a successful life as a concessionary or of surviving life in the *bagne* were scarce. Concerning these three articles, the *relégués* underwent a very different relegation than the one the law prescribed.

⁷¹ See appendix.

Even though there were those who faced relegation for white-collar crimes, many *relégués* seemed to be facing their punishment for being destitute. Under Article 4, a considerable number of *relégués* had vagrancy as a crime accounted against them. This, more than any other, was the one provision that allowed the police force to cleanse the urban landscape from what was considered a social nuisance. Vagrancy was criminalized in France until 1992; however, this particular section of the Penal Code was not enforced after the mid-twentieth century, and it disappeared upon revision of the Penal Code during the 1990s. The legislators of the 1885 law fought vigorously to control the errant population of the cities; for this reason, the statute prosecuted both the homeless and those who had infringed the residence ban (*interdiction de séjour*). Statistically, vagrancy was at the heart of relegation during the first five years of the law's application, after which it became a matter of exiling the old and homeless, though, numerically, the relegation of thieves took over.⁷²

The inconsistencies between these six articles and relegation in practice demonstrate how far the regimen of relegation was from the legislative project. While the broad scope of the legal text might suggest that the “problem” was efficiently addressed, the law's application demonstrated the shortcomings of condemning an artificial group to a punishment that was exaggerated by the very artificiality of the group. Though the provisions were for a vast group of recidivists, relegation was a solution to rid France from its homeless and aged population. In short, relegation unburdened France from a population that had become “useless.”

The decree of November 26, 1885 expanded the rules of the relegation regime, as did the Penal Code's revision. Following the new law of 1885, the Penal Code explained in more detail

⁷² Sanchez, *La Relégation des récidivistes en Guyane Française*, 217.

the procedure once the *relégués* arrived at the colonies. Furthermore, it codified the *interdiction de séjour*, or residence ban, which played an enormous role in the aftermath of relegation.

Article 18 : La relégation consiste à être interné dans une Colonie ou possession française déterminée par un règlement d'administration publique.

Pendant leur séjour dans la colonie, les relégués sont soumis à des mesures de police et à une juridiction spéciale établies par un règlement d'administration publique.

Article 19 : À leur arrivée dans la Colonie ils sont placés dans un établissement pénitentiaire où ils achèvent de subir la peine d'emprisonnement qui était au cours d'exécution lors de leur départ de France et où ils sont ensuite retenus pendant cinq années. Pendant toute cette période ils sont astreints au travail, soit à l'intérieur, soit au dehors de l'établissement, sans que leur travail puisse être employé à des tiers, sauf par des contrats viciables à la seule volonté de l'Administration.

À un moment quelconque de cette période l'Administration pourra mettre en liberté conditionnelle les relégués qui offriraient des garanties de bonne conduite et dont le travail en liberté paraîtrait devoir être plus profitable à la colonisation.

Elle pourra également révoquer la mise en liberté conditionnelle des relégués, conformément à l'article 64.

Article 20 : Après l'expiration de la période déterminée au paragraphe 1^{er} de l'article précédent les relégués seront mis en liberté, mais ils devront tout leur vie résider dans une circonscription déterminée de la Colonie. [...]

Article 21 : Après un séjour de dix ans, non compris la période pénale, les relégués pourront être autorisés à rentrer en France.⁷³

Thus, both the *relégués* and the *transportés* were restricted to penal territory within the colony after liberation.⁷⁴ The *interdiction de séjour* served mainly to reassure the free population that prisoners and ex-convicts would not roam around their cities, nor take over their jobs and businesses. It also helped to constrict and closely supervise the penal population throughout the entire relegation process. The Penal Code and the decree of November 27, 1885 also set the terms for employment within the relegation centers or in private companies or households. The Code explained the supervisory measures in the colonies whereas the decree added a mention of the disciplinary institutions attached to the main relegation centers.

Administration and Surveillance

Relegation was a fairly long process from the time of condemnation to the arrival in the colonies. It was a supplementary punishment; therefore, after judgment and condemnation to relegation, the recidivists still had to first complete the time in prison due for their last misdemeanor. The law demanded that the prisoners be sent to detention centers in metropolitan France specially created to prepare the *relégués* for life in the colonies. These centers came to be known as the *dépôts* (detention centers). In 1899, fourteen years into the enactment of the law, it was not still clear how these detention centers would be placed under the direction of the

⁷³ ANOM H 1240. Transportation et relégation en Guyane et en NC 1854-1907. Révision du Code Pénal. Relégation.

⁷⁴ Even though they are not the main subject of this thesis, the *transportés* also had a group of *relégués*. This group was sentenced to forced labor at the colonies, which lasted eight years at most, with the supplementary penalty of relegation. Upon liberation from forced labor, they either could not return to France or had to remain at the penal territory for a period of time determined at the time of condemnation. In most official documents, both groups of *relégués* are treated separately. With the exception of the case of concession holders in individual relegation, they also lived in separate buildings.

Ministry of the Colonies or of the Interior.⁷⁵ At the *dépôts* the prisoners were referred to as the *relégables* while they awaited the next convoy to French Guiana or New Caledonia. During their time in prison, as well as at the *dépôts*, the *relégables* continued to work in a trade that they were assigned within the prison.

In these centers, a medical commission evaluated the general health of the prisoners prior to the voyage and in light of the work and life required in the colonies. The commission filled out one part of the three-part evaluation prior to relegation and determined if the prisoner could endure agricultural labor and hard work under severe weather conditions, or if he would have to be assigned lighter tasks. Few exceptions were made for the recidivists who were too old. In an effort to rid the metropolis of this population, the medical commission rarely proscribed relegation based on physical incapacity. Deformities and incapacities, such as missing limbs or cardiac problems, were noted as minor handicaps, and these prisoners were assigned light tasks. In theory, there were detention facilities in the colonies designed for those unable to perform strenuous work due to old age or an impediment. Barely anything, then, got in the way of sending those who were near the sixty-years age limit stated in the bill of law.

Each recidivist file included various evaluations and observations recorded prior to the voyage and divided into two main documents: *Pièce I* and *Pièce II*. Official evaluation records sometimes included a brief on the facts that led to trial, as well as briefs of previous condemnations.

The *Pièce I*, *Application de la Loi du 27 mai 1885 sur la relégation des récidivistes* was divided into various subparts: anthropomorphic information, list of previous condemnations,

⁷⁵ ANOM H 1942. Loi sur la Relégation 27 mai 1885/ Dépôts de préparations des relégables à la vie Coloniale : Commission spéciale pour l'application de la loi du 27 mai 1885. Président : M. Leveillé, Député de la Seine. Note du Directeur de Comptabilité et des Services Pénitentiaires au Ministre des Colonies. April 15, 1899.

family history and communication with relatives, available resources, jobs previously held, occupation while in prison, conduct, moral and intellectual state, remarks on the recidivists' repentance and conduct facing the impending relegation, behavior as free individuals, instruction level and religion.

The *Pièce II*, subtitled *Avis et conclusions*, on the other hand, contained the conclusions of the medical commission at the detention center, as well as that of the directors of the *dépôts*, the local prosecutor and the prefect. They each recommended collective or individual relegation based on the recidivist's physical constitution, behavior and previous conduct or occupations within and outside of prison. The vast majority was recommended for collective relegation, where they were assigned to construction or agricultural labor. Those who did not satisfactorily pass the medical examination were recommended for *travaux légers*, also within the camps of *relégation collective*.

The *relégués collectifs* had to live and work at the main relegation camps. Work usually consisted of agricultural or construction labor for the benefit of the camps and the penitentiary system. But the penal workforce was equally employed for other tasks of direct benefit to the penitentiary administration or the expansion of the colony. In French Guiana, there were workforces of *relégués collectifs* dedicated to the construction and maintenance of the railway from St. Laurent to St. Jean as well as the roads, exploitation of quarries, logging and mining. A selected few of the rest worked at the local hospitals, the camps' bakeries or even as surveillance aids known as the *porte-clefs*. Annexed to the main relegation camps was a web of annexed camps whose functions varied from those of the main complexes. There were, as well, the disciplinary quarters and the prison of St. Louis. Strenuous work in the disciplinary quarters was designed so the prisoners would not have time to envision idleness or evasion. The *relégués* in

these buildings were assigned the most tiresome tasks. Their daily wood cutting quotas, for example, could only be accomplished in two and a half days. Their meals and living quarters were of even poorer quality, and altogether the mortality in these camps was considerably higher than in the others. Alongside these camps were other camps reserved for those in the colonies who were affected with leprosy and for the handicapped. Transportation and relegation both had different camps with similar functions. In the case of relegation, Nouveau Camp accommodated the severely ill and considerably handicapped (*les impotents*), while the islet St. Louis was home to those affected by leprosy. Work at Nouveau Camp, for those who could still work, was in the order of hat weaving or manufacturing canvas sandals. Usually, however, Nouveau Camp was the last reclusion for the terminally ill. Collective relegation camps had varying arrangements of bunks, a disciplinary quarter, a kitchen, a bakery, a medical facility and the working facilities. The women *relégués* lived and worked at convents, sewing the uniforms, canvas shoes and hammocks that would be used in all camps. In the case of men, once the main relegation camps were finalized, the workforce concentrated solely on agricultural labor to sustain the camps, preparing the fields, repairing the infrastructure, mining and chopping wood.

In French Guiana, as in New Caledonia, there was also the regime of individual relegation. The *relégués individuels* could live and work outside of the relegation camps. Individual relegation was also granted to the *transportés* who had completed their sentence of hard labor but who had also been stricken with exile at the time of their first condemnation; they had to live in the colonies, even if they were free.⁷⁶ This relegation of *transportés* was also known as *doublage* (as they doubled their sentence in the colonies) or as transported convicts of the 4th category (*transporté, 4^e*). In both cases, liberated *transportés* as well as individual *relégués* were

⁷⁶ The *transportés* who were relegated and had to live in the colonies belonged to the 4th category of their regimen.

granted an agricultural or a commercial concession, and they were subject to strict surveillance. Penal administrators and common law enforcers regularly assessed this group known as the *concessionnaires*. Due to the residence ban, as explained in the Penal Code, their residence and businesses were restricted to specified towns; they could not reside anywhere else in French Guiana or New Caledonia. Precisely because of these restrictions of movement, there was an oversaturation of the penal and of ex-convict workforce, terrible soil conditions for agricultural work and a generalized prejudice among the free population against the *bagnards*: the very conditions that forced many individual *relégués* to demand reintegration into collective relegation after they had tried and failed to maintain a successful concession.

The organization of the camps allowed the penal administration to be an institution essential to the local governments in Guiana and New Caledonia. It derived its budget directly from France, but the director of the penal administration was part of the Conseil Privé and, thus, had a say in essential local fiscal decisions. The Conseil Privé was a multi-institutional administrative organ that held monthly meetings. The governor of the colony served as president, followed by the Director of the Interior, the Public Prosecutor, the Penal Administration Director, the Head of Administrative Services and four other supplementary counselors that the governor chose. At the turn of the century, the position of the military commander in the Conseil was suppressed, and although the general composition of the organ continued to change, the director of the penal administration remained part of it.⁷⁷ The Conseil served the governor as a consulting organ regarding decisions on the use of land, security and finances, among other things, and it had regular meetings to discuss issues that directly affected the penal population. Among its powers

⁷⁷ Suppression des fonctions du Commandant Militaire et composition du Conseil Privé 1882-1885 and Projet du décret réglant la constitution du Conseil Privé de la Guyane Française (1897). ANOM 1AFFPOL/2966.

were ceding or withdrawing agricultural and commercial concessions, deciding on the supervision measures against the prisoners living and working among the free population and granting the prisoners the right to work for private companies. The Conseil also approved marriages among the penal population, and decided the inheritance of a concession or its passage to a spouse. The importance of the Conseil Privé regulating the *bagnards*' life cannot be overstated. In June 1890, for example, the Conseil in New Caledonia met to discuss yet another agricultural concession dispossession of a liberated prisoner, and beyond the eviction, the Conseil suggested an even greater measure:

M. le Gouverneur fait observer que le Conseil ne prononce la plupart du temps que des dépossessions de libérés. Il faut en conclure qu'il vaut mieux accorder des concessions aux condamnés en cours de peine, sur lesquels l'Administration peut encore exercer toute son influence qu'aux libérés qui échappent à toute surveillance administrative. Le Conseil à l'unanimité se range à l'avis de M. le Gouverneur.⁷⁸

Through the revision of one case, then, the Conseil unanimously suggested a change in the entire system of concessions. Concessions were a privilege for well-behaved and financially stable prisoners and liberated prisoners; under this new rule, they would become a benefit only for the prisoner population whom the penal administration could tightly supervise. The poor soil conditions and a high concentration of penal settlers on the same territory were the real reasons behind the farms' failure. The Conseil Privé failed to see that there were too many concession holders on the same infertile land, and it disregarded the issue as "disciplinary problems" among the *relégués* instead of discussing land and resource distribution. This specific report illustrates

⁷⁸ ANOM H 4826/A - H 4829/G. Registre des décisions, rapports et correspondance du Conseil Privé (1890-1922). Extrait des procès verbaux des séances du Conseil Privé. Séance du 6 juin 1890. Proposition de dépossession du libéré concessionnaire 3790 Pincé.

the general institutional view over concession holders, *transportés libérés* or *relégués individuels*: the penal and the colonial administrations addressed malfunctions mostly as disciplinary issues among the convict population instead of as management issues.

The document also points towards a recurrent difference between the idealistic goals of French legislators and the more practical concerns of local authorities in the colonies: concession holders were not automatically rehabilitated through agricultural labor. Far from it: they were frustrated to the point of abandoning their lots or neglecting them so frequently that it seemed to the authorities that they had to evict more often than not. The *relégués individuels* as well as the liberated convicts represented a strain on the local economy, especially regarding the job market. The penal administration lacked the land resources to grant all *relégués individuels* fertile land, and the others faced dire prospects trying to find a job, so many became homeless again. The burden of this roaming population of ex-convicts fell on the local authorities. The penal administration was the institution in charge of dispelling the problems that penal settlements posed to the local population and the colonial authorities. The convict population in both French Guiana and New Caledonia affected the local economy, agriculture and even society, but the penal administration remained an institution controlled from France. The governors of Guiana and New Caledonia not only had a limited say on the proceedings regarding penal labor and agricultural concessions, they also did not have the jurisdiction to solve the greater issues such as granting concessions to liberated prisoners who then abandoned their parcels of land. More than anything else, the *bagnes* remained a burden for local governments.

Other than the observations that the Conseil Privé ventured on the problems of relegation, colonial inspectors regularly audited the conditions within the penal territory as well and concluded along similar lines that relegation, and especially individual relegation, needed

immediate reform. Ironically, numerous reports and inspection missions accurately diagnosed the inner problems of the system, but little was done to address these problems, sometimes out of financial incapacity, but at other times, out of lack of interest. Moreover, each inspection blamed a different factor for the inefficiency of relegation, making it harder for administrators to target a single question for potential reforms. For instance, in 1911, during his mission to report on possible reforms to the forestry division, the inspection mission director, Palazot, wrote to the Minister of the Colonies:

Pourquoi l'Administration Pénitentiaire ne peut elle que difficilement devenir productive, ou tenter de le devenir ? C'est que toutes ses tentatives d'exploitations, de plantations, etc. sont inévitablement des causes de dépense si minime soient-elles ! Et que ces dépenses vont grever son budget tandis que même en cas de réussite, le produit de son travail ne viendra pas alléger ce budget. Car toutes les recettes réalisées par la transportation vont se noyer au Ministère des finances dans le gouffre du budget général.⁷⁹

Palazot echoed a common cry among the penal administrators as well as the governors of the colonies: the penal administration's budget had to be better distributed and administered in France in order for its labor in the colonies to be effective. But beyond its fiscal propositions, Palazot went deeper into another crucial matter for the inefficiency of the system: the civil servants' morale as influenced by their location.

Au point de vue moral, il nous semble que l'Administration s'est trompé en se cantonnant systématiquement au bord de la mer où sur le bassin navigable du Maroni. Mais les fonctionnaires de la Marine qui ont fondé les premiers pénitenciers de la Guyane se

⁷⁹ ANOM H 1863. Missions d'inspections. Rapport de la Mission en Guyane E. Palazot. November 14, 1911. Page 7.

seraient difficilement éloignés du rivage et cet état d'esprit a persisté. Le Français souffre toujours loin de sa patrie. ... L'état d'âme du forçat est identique à celui du fonctionnaire et son désir de revoir la France se double chez lui d'un impérieux besoin de liberté. Son premier sentiment, sa première idée en contemplant la rive Hollandaise du Maroni, c'est qu'il doit être bien facile de s'évader, et malheureusement il n'a pas tort.⁸⁰

According to Palazot, then, the penal colonies were not just restraining the *bagnards* but were discouraging for the state's employees as well. Why had the colonies so poorly chosen the camps' locations? If, he explains, the location of the relegation camps was chosen following that of the transportation camps, the question became why this was still not amended in 1911 if evasion remained a common practice. Palazot blamed the prisoners' malnutrition as a third factor for the camps' malfunctioning. But he highlighted a fourth and capital problem: "l'administration pénitentiaire en général, et ses fonctionnaires en particulier, n'ont absolument aucun intérêt à obtenir des résultats meilleurs dont les bénéfices leur échapperaient totalement."⁸¹ Here, too, Palazot made an allusion to the financial state of the penal administration: a poorly paid civil servant would normally put his personal interest before that of the government. Financial security and some contentment with the job was especially important for the colonial prisons' employees, who missed their home country as much as the prisoners. Given the harsh conditions in the colonies, the government should have made extra efforts to retain its penal employees as well as its prisoners.⁸²

⁸⁰ *Idem*, p. 11.

⁸¹ *Idem*, p. 15.

⁸² Palazot also signaled a paradox of the penal colonies that was not greatly discussed, even though it was a very noticeable pattern: whatever desire for rehabilitation the prisoners developed over the journey to the colonies was quickly replaced by the desire for evasion and the vices it entailed (12-14.) The consequences were felt on the prisoners' working disposition, and the latter, in turn, was also affected by their incapacity to complete their chores due to fatigue or

Palazot was only in charge of inspecting the camps dedicated to wood chopping, but his observations could be extended to the entire penal administration, and there were numerous other inspections of the camps in general. One of these was inspector Fillon's report to the Minister of the Colonies in 1911.⁸³ Fillon was in charge of analyzing the entire relegation regime in French Guiana, and on February the 20th he wrote a report in which he suggested a number of reforms. His recommendations encompassed a wide array of preoccupations that went from trivial to crucial. He suggested: increasing the portion of the wine gratification, better surveillance of the *relégués*' money once they had obtained individual relegation, speeding up the transportation of essential materials from the metropole to the colonies, measures to prevent the *relégués* from stealing linens and clothes, implementing training for those who desired to learn a new trade, limiting the numbers of individual *relégués*, extending cattle husbandry to other camps and the repatriation of the women – who were still in the colonies even after the amnesty granted to women in 1907 – among other things.

Fillon made it clear that well into the twentieth century, the views on the character of the *relégués* had not changed. According to him, these *repris de justice* were intrinsically lazy. He proposed the option to learn a trade because he believed that the prisoners lacked a work habit. Learning a trade would help in a paradoxical way:

... le but essentiel à poursuivre étant en définitive de soustraire ces exclus de la société à l'inaction, mauvaise conseillère, je me demande si leur propre intérêt, ce sentiment qu'ils partagent certainement encore avec le reste de l'humanité, ne serait pas le moyen indirect

frustration when, upon failing an escape attempt, the *bagnards* were punished. According to Palazot, then, geography had greater consequences than were thought, even though this was the opposite effect of what was expected. Perhaps distance made the *bagnards* reflect upon their crimes, but the nearness to the river was too tempting an offer of a fast escape.

⁸³ ANOM H 1864. Service de la Relégation. Réformes désirables. L'inspecteur de la 1^e classe de colonies Fillon à Monsieur le Ministre des Colonies à Paris. Cayenne, February 20, 1911.

de les intéresser à l'avenir. Dans cet ordre l'idée de création d'une prime en faveur de l'ouvrier qui formerait un apprenti et en faveur de l'apprenti lui-même, serait de nature sans doute à produire des résultats. Dans le nombre, il y aurait certainement des ouvriers déjà formés qui feindraient, au début, pour acquérir des titres à la prime, l'ignorance professionnelle la plus complète. Mais ils n'en révéleraient pas moins ainsi des aptitudes qu'on dissimule couramment à l'heure actuelle.⁸⁴

The prisoner's feigned ignorance in the search of personal benefit would actually be of service to the penal administration. The *relégués* would be tricked into working, and so, into displaying their true skills. Fillon wanted to demonstrate that these deviants, who would do anything to perpetuate inaction, did not fool him. He proposed instead to use this flaw against them. He saw, just as Palazot had observed of the guards, that personal interest was an important motor in the penal colonies, and that, unable to fight it, the administrators would have to work their way around it.

The inspector's other suggestions were also of an economic nature, and he took the *relégués*' incorrigible and undeserving nature as a given. He suggested, for example, a tighter control of admissions into individual relegation, because the money allocation that accompanied this passage into the individual camps coincided with the arrival of the *Loire*⁸⁵, and since the *relégués individuels* were living in practical misery, the budget was severely compromised during the ensuing months. Fillon failed to comment in extent on the misery that the *relégués* underwent and that he reported. Instead, he suggested that the *relégués individuels* were dissolutely spending their money upon obtaining a greater liberty, and that this was the main cause for their

⁸⁴ *Idem*, p. 10-11.

⁸⁵ The ship in which the convicts were transported to the penal colonies.

financial struggles. Fillon concluded that the crucial reforms were the transformation of the Camp “La Forestière” (one of the most troublesome buildings) and the creation of a hospital.

There was also a vast inspection two years before Palazot and Fillon’s, which inspector Norès had led. According to Norès, the problem was also personal gain, but to the benefit of the penal administration. He wrote a thirty-page report in which he discussed all the ways in which relegation was purposely wrongly implemented. This was, he suggested, because the colonial administrators were convinced that applying relegation as the legislators intended would be a detriment to the local economy. Among other things, Norès told the Minister of the Colonies that there were indeed several abuses committed against the *relégués*. Norès made thorough suggestions. He noticed, for example, that the time some *relégués* spent in jail and in the dungeons for petty offenses was too long, and that the practice belonged to a time when the tribunals granted harsher punishments. He condemned, as well, the insalubrious condition of an entire camp (Tollinche), which had to be evacuated altogether. He advocated for a better distribution and greater attention to the agricultural potential in the collective relegation camps, along with the agricultural concessions. He stated how the agricultural production within the collective relegation camps was derisory, as well as subject to theft. These essential suggestions were merely his opening remarks.

Norès then analyzed the individual and collective relegation systems separately, and he explained how the division of the collective relegation camps was ineffective. There were no camps for the “*fortes têtes*,” as the law required, and the Camp du Tigre was not accomplishing its initial purpose of providing greater opportunities for reform.⁸⁶ Furthermore, Norès observed

⁸⁶ Camp du Tigre had one of the *sections mobiles* or workforces. These workforces were originally meant to encourage the *relégués* to work their way up in their classification and obtain

the total lack of preparation and training due to the authorities' complete indifference. The *relégués* were not trained upon arrival to the colonies, as they should have been; there were no apprenticeships for agricultural labor, which was intended as relegation's main motor. The inspector suggested that, on the contrary, the prisoners were discouraged from accomplishing any agricultural tasks; he wrote that he understood that most of the *relégués* came from the urban centers, but that he found preposterous that they could not find a greater number of *relégués* who were willing to work the land. The *relégués* were, for the most part, kept in collective relegation camps, when these camps should have been for those who refused to learn a trade, not the default regime.

Regarding individual relegation, the inspector denounced the widespread practice of reintegration into the collective relegation. He stipulated, in the first place, that reintegration should not have been a permanent situation; the *relégués* should only return to the collective relegation camps when it was strictly necessary. However, if the individual *relégués* fell ill and were hospitalized, for example, they were automatically reintegrated into collective relegation, and, disposing of a salary of .10 F a day, it took them two and a half years to earn their way back into individual relegation. Seeing this, Norès suggested that the government take care of the concessionaries' medical expenses, since their labor outside of the collective camps was of a greater benefit to the colony, and to discourage permanent reintegration. Lastly, he noticed that some *relégués* working in private households still lived at the collective relegation camps, when this should not have been the case.

Norès was keener than Fillon or Palazot, even though all three wrote within two years of each other. His 1909 report delved into the core of the problems, and it was Norès, for instance,

individual relegation more easily. However, the most undisciplined prisoners arrived at the Camp du Tigre, and were punished with excessively hard labor instead of being rewarded.

who signaled that since the beginning of relegation in 1886 until 1909, there had been 10,322 incoming *relégués*, and 7,511 had died or disappeared. Norès discussed in detail all the administrative statistics from the camps (i.e. admissions, deaths, escapes, food portions...), while Palazot and Fillon made no editorializing comments on the figures the penal administrators provided. Palazot, for instance, did not make such general remarks because his inspection was restrained only to the wood chopping camps and not to relegation as a whole. Norès insisted on these statistics, and especially on the fewer number of *relégués* on each convoy, to bring attention to a point that I advanced earlier in this chapter:

De l'examen des chiffres qui précèdent, ressortent trois indications intéressantes : 1^e la décroissance sensible de l'importance des convois annuels de la métropole, due, semble-t-il, non à une diminution de la criminalité, mais à une application plus parcimonieuse de la relégation par les tribunaux.⁸⁷

The link between the judges' leniency in the courtroom and the slower rate of relegation had not gone unnoticed. Norès, however, does not comment more on the matter. He did not intend to excuse the recidivists, but to clarify that a decrease in relegation should not be mistaken for a decrease in criminal tendencies, and therefore, that relegation was still a necessary measure. He makes two other positive remarks based on the same statistics. Namely that they reflected how the camps were increasingly sanitized and evasion effectively discouraged.

Norès had a view radically different from that of the inspectors who followed him. The inspector does not dedicate much time to an analysis of the *relégués*' behavior, but he does not hesitate to cite all the corresponding decrees and laws that were wrongly applied or purposely ignored in the penal territory. The *relégués* in Norès' report were not victims of the Law of

⁸⁷ ANOM H 1864. L'inspecteur de la première classe des colonies Norès en mission à la Guyane Française à Monsieur le Ministre des Colonies. Cayenne, May 13, 1909.

Relegation, but this did not prevent him from signaling the abuses committed against them. The capital flaw, according to him, was the unwillingness of the local authorities – the penal administration, as well as of the governor – to apply the 1885 law correctly.

En fait, il est bien loin d'en être ainsi, et les relégués sont, pour la plupart, soumis à un régime qui se rapproche, sur bien des points, de celui des condamnés aux travaux forcés. Il importe, à ce point de vue, de distinguer deux catégories traitées d'une manière bien différente : les relégués individuels et les relégués collectifs.

Relégation individuelle – Ce devrait être le régime normal des relégués : c'est au contraire le régime d'exception. ... Encore convient-il de remarquer que l'administration n'hésite pas à comprendre, au nombre des relégués individuels, dans ses statistiques, les hommes auxquels le bénéfice de l'individuelle a été retiré, par mesure disciplinaire, en exécution de l'article 8 du décret du 26 novembre 1885 et qu'ainsi les chiffres qui viennent d'être donnés ci-dessus sont radicalement faux et intentionnellement majorés. Je note en outre qu'au cours des trois dernières années le nombre des admissions des relégués collectifs à l'individuelle prononcées dans la colonie a sans cesse décru ... alors que les réintégrations à la collective suivraient une marche inverse ... la relégation individuelle n'a pas été assez largement accordée, et ... un bon nombre de relégués, possédant des moyens favorables d'existence, sont maintenus abusivement à la collective. ... L'administration objecte, il est vrai, que les ressources de la Guyane sont insuffisantes, surtout dans la région du Maroni, et que les individuels ont beaucoup de peine à trouver du travail : le fait n'est malheureusement que trop certain, mais il ne faut pas oublier que le vœu de la loi de 1885 est de faire de la relégation collective, un régime d'exception applicable seulement aux hommes qui n'ont pas de moyens d'existence

reconnus ; dès lors, pourquoi ne pas accorder à ceux qui se trouvent dans les conditions réglementaires le bénéfice de l'individuelle ? ...

Il est évident, du reste, que les autorités pénitentiaires envisagent la question par le petit côté et s'inquiètent moins des moyens d'existence des relégués, en vue de leur classement à l'individuelle, que du parti que pourra trier l'administration de leurs aptitudes spéciales.⁸⁸

In 1909 there was still no vivid defense of the *relégués* (this occurred a few decades later with Albert Londres and subsequent investigation missions). Inspector Norès did not question the potential efficacy of a well-run relegation process. He believed that the metropolitan legislators did not intend for the system to be as repressive as it had become in the colonies, and that disregard for the law's true intentions was the cause of most problems. His report raises yet other concerns: Norès went as far as suggesting to the Minister of the Colonies that the Minister should communicate directly with the governor so as to force the latter to put into place a much needed reform. At the heart of Norès's report was the ineptitude of the entire Conseil Privé at the expense of the penal administration, which, Norès suggested, was a fundamental institution for colonial advancement. The inspector appealed several times to what he defended as the true calling of relegation: agricultural colonization. Beyond the penal administration, the empire's advancement was at stake.

The Ministry ordered an investigation regarding Norès' observations on March 22, 1910. In order to respond to the accusations, the director of the penal administration formed a committee along with the Commander of the Relegation Camps and three other supervisors of the penal administration. In their report, signed on August 23, 1910, the penal administrators argued that,

⁸⁸ *Idem*, p. 11-13.

contrary to what Norès had stated, the number of reintegrations had not accrued, nor had the number of individual relegations decreased.⁸⁹ They clarified that the individual *relégués* who had been reintegrated, were, on the contrary, allowed to leave the camps. Finally, the penal administrators claimed that they were in no way purposely denying access to concessions. That particular enterprise's failure was due to the *relégués*' inaptitude to cultivate and to the severe weather and arid soil of French Guiana, which had rendered concessions difficult to maintain, and undesirable.

These inspection reports make clear, first, that there was never a manifest interest on either the part of the penal administration or that of France to solve the issues that afflicted relegation. There were numerous other reports on the penal administration, but upon reading the reports that followed decades after these, the main structural problems noted in the three reports discussed here were still present. The investigators' recommendations were never fully addressed. The situation during the First and Second World Wars prevented restructuring and any crucial changes. In fact, during the wars, the situation in the camps worsened as budgets became even tighter. In 1938, in an investigation concerning the disciplinary regime, the inspectors remarked that though "neither sweetness, nor severity would correct these individuals, the Administration should strive to guard itself from committing abuses."⁹⁰ Despite the changes in metropolitan France, political upheavals and wars, so close to their demise, the penal camps still faced the issues that had always plagued them.

⁸⁹ ANOM H 1942. Rapport de la Commission chargée de l'étude des questions posées dans la dépêche ministérielle du 22 Mars 1910 No. 406, au sujet du fonctionnement du service de la Relégation, en suite des observations formulées par la mission d'Inspection. St. Laurent, August 23, 1910.

⁹⁰ ANOM H 1942. Extrait du rapport d'inspection judiciaire. Observations particulières sur la relégation.

Second, these reports proved to be useless despite the inspectors' best efforts. This was because both administrations, the metropolitan and colonial governments, saw their efforts to ameliorate the relegation regime thwarted. On the one hand, France created an idealized system that had no possibility of a thorough application in the colonies. It chose to ignore the weather conditions, which it had faced in the past when trying to establish a similar regimen. The law also obviated the market saturation that the high concentration of farmers in such a small territory created: by restraining the *relégués* to a certain territory the penal administration inhibited its own progress. The Ministry of the Colonies regularly sent missions to supervise its institutions, but the penal administrators replied that even if the Ministry found problems these could not be solved unless the administrators obtained greater jurisdiction over the colonial territory. The greatest concern within the relegation regimen was employment and individual relegation; the Ministry's investigators pushed for a better application of the law, while the local administrators replied that they did not dispose of the means to do so, and that other changes required a more agile communication between France and the colonies. On the other hand, the penal administration in the colonies had to apply concretely a system whose only purpose was to exile criminals and did not take into consideration any particularity of the colonies before deciding where the convicts could settle and tend their farms. Also, why would the local administrators in the colonies demonstrate leniency towards a group of deviants that the French legislators had chosen to exile? This is a question that Norès failed to ask, though he hinted in this direction when he suggested that the judges were demonstrating greater clemency in their sentences. In a way, France and the colonies were not speaking the same language. France thought that recidivists should be cast away; the penal administrators thought that they had to be constantly supervised. This back and forth between France and the colonies is another way that

the Law of Relegation created an inertial regime that not even the penal administration could escape. Miscommunication and power struggles between the colonial administration and France are also not sufficient to explain why such an inefficient regime lasted so long. There was above all else the will to maintain these individuals in the colonies at whatever cost, despite knowing that the conditions in the colonies would not allow for such an idealistic project to work properly.

Conclusion

Through this inescapable system, lost in its own bureaucratic procedures, the original problem found an institutional solution: deviants “disappeared” in the colonies, and no amount of self-evaluation and inspections changed this outcome. Recidivists left for French Guiana and New Caledonia, and their stories were buried under layers of paperwork. In this sense, we can interpret the penal bureaucracy as a space where, by its sheer voluminous nature, problems were erased. The penal administration was an imperial solution to taming metropolitan difference. Relegation as an artificial creation is thus a wonderful example of the archival process that Stoler describes in *Along the Archival Grain*:

It starts from the observation that producing rules of classification was an unruly and piecemeal venture at best. Nor is there much that is hegemonic about how those taxonomies worked on the ground. Grids of intelligibility were fashioned from uncertain knowledge; disquiet and anxieties registered the uncommon sense of events and things; epistemic uncertainties repeatedly unsettled the imperial conceit that all was in order, because papers classified people, because directives were properly acknowledged, and

because colonial civil servants were schooled to assure that records were prepared, circulated, securely stored, and sometimes rendered to ash.⁹¹

So too were the *relégués* conceived of and then transplanted even though the taxonomy of criminals was never that of a well-defined deviant population. In the same way that all was in order through the creation of archives and that their existence reassured the bureaucrats about the irrefutability of its colonial categories, relegation acted as guarantor of justice as repeat offenders were labeled “incorrigible.”⁹² At the turn of the century, France treated its criminals as it had treated its colonial subjects. There was one policy when confronting difference: distance. The penal colonies were exactly this: the place where French citizens became colonial subjects in all but name.

Banishment to the penal colonies is not exclusive to the process of relegation. Before this, Miranda Spieler observes on the practice of deportation that long preceded even the Transportation Law of 1854 that: “French Guiana was the antithesis of metropolitan France and its extension. It was a site of emancipation, departmentalization, and deportation. It was the removal site for non-citizen enemies of the republic and it was the republic.”⁹³ Beyond transportation, relegation expanded the definition of deviancy to an almost unseizable one that cut across the lower classes of metropolitan France and its territories.

The Law of Relegation was created around this artificial and imagined category of contagious repeat offenders, and it affirmed itself not through a scientifically proven deviancy but through public opinion that was specifically an elite’s opinion. The legal text that followed

⁹¹ Stoler, *Along the Archival Grain*, 1.

⁹² In the next chapters I discuss how, as Stoler says, “there was not much hegemonic of how those taxonomies worked on the ground,” and how the *relégués* were able to assert themselves despite an inexorable classification process.

⁹³ Miranda Spieler, *Empire and Underworld: Guiana and the French Legal Imagination. 1789-1870*. (PhD diss. Columbia University. 2005), 25.

from this irrational fear of deviants was consequently limited in its efficiency and mostly failed to control recidivism and rehabilitate its subjects. Finally, the disconnect between France and its territories did not allow much space for reforms, if such a regime could have been fixed at all.

The case of the *relégués* during the Third Republic shows continuity with the ideology of the French empire despite the regimen's inherently contradictory nature. The history of French citizens sent to the colonies is also the history of colonial France. It crystalizes the link between republicanism and colonialism that Gary Wilder traces in his essay "Unthinking French History," and forces us to "rather than ask whether republicanism was sufficiently extended in the colonies or what impact colonialism had on national identity, [ask] colonial history [to] illuminate the fundamentally disjunctive relationship among race, nationality and citizenship."⁹⁴ Precisely what the law of 1885 reveals is that so close to the twentieth century, and even during the first decades of the 1900s, relegation was used to discriminate against the destitute population of France, a population the state otherwise struggled to incorporate. The Republic was the cause and the means for relegation; it also provided a bureaucratic system that kept the misery of relegation well hidden in the colonies. The French government went to great lengths to establish a distance between its citizens and their own country, transforming them almost irrevocably into colonial subjects.

⁹⁴ Wilder, "Unthinking French History: Colonial History Beyond National Identity," 129.

Chapter 2: Establishment of the Recidivists' Families in the French Penal Colonies

One of the greatest consequences of relegation was the reshaping of the family nuclei that it affected by exiling one of the family members to the French colonies. A system that automatically categorized these criminals as incorrigible left little space to suppose that the recidivists could ever be capable of assuming any role within their family units. Exile in the penal colonies did not allow the *relégués* to have the idealized family life, but many still tried to maintain their family ties even under dire circumstances. The process to form or reunite families in French Guiana or New Caledonia was often discouraging, and still, a surprising number of *relégués* made great efforts to obtain this favor. The group sometimes employed a different nomenclature for their family members, and their relations were not always considered legitimate by their contemporaries. But they remained invested and were protective of their families, immediate or extended, big, single-parent, or childless. This task was difficult to achieve due to the distance from metropolitan France and even harder to accomplish from prison. A caring relationship between the recidivists and their families, however, was hard to appreciate beyond the discourse on deviancy and debauchery that took over public discussions.

Beyond the personal efforts that these “incorrigibles” proved they were able to make, family life in the penal colonies presented many other contradictions. Thus, even though it seems paradoxical that the Republic was exiling parents at the same time that it was gaining greater interest in the family unit as a way to approach the *question sociale*, relegation was not entirely disconnected from this restructuration of social policies in France. In fact, greater interest in the family meant greater interest in childhood protection, and correcting recidivism started with a careful watch over threatening influences at an early age. In this sense, it was deemed preferable to place under public tutelage the children who remained *de facto* orphans because their parents

had been relegated, than to have them become copies of their parents and increase the rates of recidivism in the long term. The consequences of removing a parent, even a single parent, or a working son who provided for his elderly mother, were not unknown, but the prevailing argument was that these people had a contagious deviant character, and that it was better to remove them from their family group than to have them contaminate or destroy the others, especially the children.

Once in the penal colonies, the process to reunite the recidivists' families was extremely arduous. Even considering the case of a well-behaved prisoner, the number of years necessary to obtain the favor required beating the odds of life expectancy in the *bagnes*.⁹⁵ Apart from the time required, the prisoners had to go through an extensive bureaucratic procedure, obtain individual relegation, save enough money to sustain their family, and request a subvention for the travel and relocation expenses of the incoming members. Failure to reunite their families or to form a new one in the colonies was not necessarily proof of a staunch deviant tendency. Family disintegration was rather the consequence of an overwhelming procedure that deterred families from (re)forming and successfully achieving penal colonization. By attacking recidivism as an innate individual flaw, the legislators and penal administrators failed to understand the consequences of relegation in a different social light, beyond contagion of undesirable social mores, and they also failed to see how the recidivists could, in fact, participate in family life. They broke apart families in France while making it almost impossible for the *relégués* to resort to their own families for rehabilitative purposes after the sentence to relegation. Unable to

⁹⁵ The death rate at the relegation camps varied but always remained above 40%. In January 1909, for instance, it was 57%. A decade later, in January 1919, it was up to 62% of the total male *relégués* in collective relegation. ANOM H2397 Situation d'effectifs, Guyane Française.

reconcile its ideal social policies with the character ascribed to the recidivists, the government further hindered its plans in these territories.

In this chapter, I analyze private letters and administrative memoranda concerning the *relégués*' families. I present the most eloquent files from my research regarding family reunification or marriage in the relegation camps. This is an entirely new analysis on *relégués* families in the penal territory. Because the *relégués* were French citizens and their families arrived directly from France, I also consider scholarship on paternity rights in the metropole.

The family letters

Letters and administrative memoranda concerning family reunions are one of the most common documents found in the *relégués* archives, yet they are not abundant. While the *relégués* were in French detention centers, they also benefitted from occasional visits. For the most part, however, the *relégués* maintained contact with their families through letters. In fact, they were not allowed to write to anyone but their parents, spouse or closest relative, unless it was for business or legal purposes. All letters were closely monitored. This way of communication was obligatory for all *relégués* and *relégables* across social classes and educational backgrounds. An obvious limitation of this practice was that it was limited to those who could read and write, or who could find readers and writers they could trust with their private correspondence. Though there is no univocal reading of such documents, the *relégués*' private correspondence is a starting point to study their motivations, their struggles and their view of the family unit.

The Penal Administration read all the letters that came from the detention centers and the relegation camps. Incoming as well as outgoing letters in a foreign language were translated before they were transferred to the recipient for fear of an escape or terrorist plot. The prisoners

of the detention centers and relegation camps were only allowed to write about certain topics, and they could not complain about their situation in prison.⁹⁶ References to overwork, malnutrition or similar complaints were judged as insubordinate content, and the sender was punished. The letters written by the prisoners that are left at the archives are generally those that did not comply with these rules. Those of family members are, for the most part, letters that arrived after the addressee had deceased or disappeared. In rare occasions, a coherent series of letters from family members or attorneys was kept for financial or administrative purposes.

These rules complicate the work of the researcher trying to reconstitute the experience of the *relégués* unmediated, but they reveal, at the same time, very interesting discursive practices that the prisoners adopted in view of the restrictions. First, illegitimate unions, which were not uncommon among this population, were immediately readdressed under the rule that demanded correspondence between *proches parents*. Spouses and concubines were equally referred to as ‘husband’ and ‘wife’ out of necessity to communicate with them and not from a common understanding or legitimacy of the term. The *relégués* and their families juggled this nomenclature in their letters, aware that their correspondence was read, and that their character was on display and under scrutiny. Secondly, prisoners who had not spoken to their parents or closest relatives in years were similarly obligated to rekindle or create a family bond. This accounts for a great number of letters from prodigal sons and daughters, as well as for a palpable artificiality of tenderness and uneasy listing of regrets. Though we cannot eliminate the

⁹⁶ On the left column of the paper supplied at the *dépôts* were the general rules for correspondence: “Les détenus ne peuvent écrire qu’à leurs proches parents ou tuteurs et seulement deux fois par mois, à moins des circonstances exceptionnelles... Ils doivent parler que de leurs affaires de familles et de leurs intérêts privés... Ils ne peuvent envoyer ou recevoir des secours que sur l’autorisation expresse du Directeur... La correspondance est lue, tant au départ qu’à l’arrivée par l’administration, qui a le droit de retenir les lettres. Les familles peuvent adresser leurs lettres au Directeur...mais elles ne doivent recourir à aucun autre intermédiaire.”

possibility of a sincere regret given an imminent sentence to exile, most of these communications were established on the explicit hope that the prisoners' sentences would be reduced. Their parents or closest relative were the only ones who could intercede for the *relégués*. The prisoners and their families believed that this would speed the process of sentence remission. However, some of the letters at the archives include a note attached clarifying that the demand for the remission had to be voluntary and was not required by the detainees. A sentence remission, for that matter, was only feasible once the *relégués* arrived at the colonies.

With this in mind, this chapter presents excerpts of the letters found at the archives with the understanding that their content was public and that, though feelings such as regret, longing and tenderness cannot be entirely doubted, the expression of such feelings was also indirectly encouraged by the penal administration. The way in which the *relégués* expressed themselves is, furthermore, a combination of what they thought was an acceptable morality, their own practices and those that they thought the administration would like them to communicate in order to prove they participated in acceptable family dynamics. The *relégués* analyzed their crimes, their punishment, their families and the prison system through this prism, and the message in their letters was often obfuscated by this philosophical amalgam. Finally, we must be aware of the risk of ascribing too much frankness to their letters. Certainly, the *relégués* had their own private agendas, which could include escape or suicide, as well as faked or real insanity. Supposing widespread nostalgia, on other instances, might be an anachronistic reading since the voyage to the colonies was welcomed at times as an adventure. This was often the case for the *relégués* who had no family, though it was not the case exclusively; the colonies presented the hope of a new beginning for all, despite reclusion. For all these reasons, I present a cautious reading of these letters.

In sociological terms, the readings can be multiple; notwithstanding the multiplicity of interpretations, these personal files reveal communications between entire families, and these interactions have mostly been studied for statistical purposes and not in detail. In fact, most references to this group, whether in contemporary accounts or in the archives, concentrate on the individual *relégués* and not on their social networks.⁹⁷ Ultimately, the letters attest to the tension that arose when the *relégués* and their families tried to reconcile their views and those of the state along with their immediate needs. They were undoubtedly victims of an unfair and repressive system; it does not follow that the *relégués* lost their voice or held a static status during the process. Their written testimony is one way to discuss their habituation practices. Public or private, sincere or hypocritical, the *relégués*' family letters reveal interesting group practices that went mostly unseen at the time, except by the few state officials involved, and that remain unstudied today.

Marriage in the Penal Colonies

The issue of the family in the penal colonies was crystallized through the laws concerning marriage. The marriage of the recidivists sent to the colonies was not an immediate idea in the minds of the legislators. The prisoners who already had a family in France had an extensive bureaucratic procedure through which to demand their reunion in the colonies. Families that were already formed were encouraged to reunite on penal soil, but this remained difficult to achieve.

⁹⁷ Dominique Kalifa in *Biribi*, Stephen Toth in *Beyond Papillon*, and Miranda Spieler in *Empire and Underworld* carry out a sociocultural study of the convict society. They study the underground market, homosexual practices, unofficial clubs, and hobbies that the convicts had inside the prisons, for example. However, none of these studies are about the individual *relégués* or even about the *relégué* population in general.

It was the formation of new families, new marriages, that posed a greater problem at the beginning of relegation. Decades before relegation, the women *transportées* were originally brought to encourage marriages and agricultural colonization among the penal population. In *Les Femmes bagnardes*, Odile Krakovitch explains how the female *transportées* were initially sent to the colonies in the mid 1860s because the *transportés*' wives did not want to move to the colonies; in addition, the free population was not willing to marry criminals.⁹⁸ *Transportée* and later on *reléguée* women, brought especially to encourage marriage among the *bagnard* population, experienced colonial life in a different way than their male counterparts. Their detention quarters were built in convents, and they waited an average of six months before being married off, unlike the men, who needed an average of four years to save enough money before being allowed to marry.⁹⁹ In fact, the rapidity with which women left the convent was seen as a reason to invest the least money possible in their prisons.¹⁰⁰ Marriages for women *bagnardes* were so common that there was a waiting list for each prisoner at the end of her mandatory six-month stay. By the time relegation began in 1887, there was no question about sending women *reléguée* as well, but the laws concerning their marriage were still not drawn.

Barely two years after the law of relegation passed, the Minister of the Navy and the Colonies sent a project for a decree on the marriage of the *relégués*. The document entitled *Projet de décret rendant applicable aux individus des deux sexes condamnés à la relégation et transférés à nos possessions d'outre-mer, le décret du 24 Mars 1866 sur le mariage des transportés* tried to extend to the relegated prisoners precisely that: a law on marriage conceived for the transported prisoners. But during the first years, relegation was intended as a project

⁹⁸ Odile Krakovitch, *Les Femmes bagnardes* (Paris: Orban. 1990), 34-35.

⁹⁹ Odile Krakovitch, *Les Femmes bagnardes*, 163.

¹⁰⁰ *Idem* p. 163.

entirely different from transportation. The Minister of Justice, accordingly, did not think a new law on the marriage of a different category of prisoners should be an exact copy of a law that was already twenty years old and pertained to different group of prisoners. The minister of Justice replied on September 3, 1887, explaining that while he saw no problem in allowing for the marriage of the relegated prisoners overseas, the clauses for the marriage of the *relégués* should not be the same as those of the *transportés*.¹⁰¹

Eventually, the rules were drawn, and the relegated were allowed to marry on penal soil. In order to be able to marry, the *relégué* had to first obtain the right to individual relegation, and the chances alone of doing that were slim.¹⁰² He or she had to first leave collective relegation and present references from his or her employers (preferably outside of the penal camp) and from the prison director. In the case of agricultural concessionaries, the couple were given a lot to maintain and sustain themselves, and they were granted provisions during the first six months or until their produce grew. However, in most cases, the marriage took place between a commercial concession owner (liberated *transportés*, usually) and a female *bagnarde*.

The agricultural concession was originally intended as a penal colonization project. The *relégués* would be constantly supervised and subject to a befitting workload while farming. Moreover, while they cultivated colonial land, they could also form a new family or reunite their own. This sort of lifestyle would serve, in turn, as a rehabilitation process for the former recidivist, a sort of redemption through work in colonial land. Nevertheless, the outcome of such plans was far from ideal. The administration had to support most of the lot owners in the long

¹⁰¹ ANOM H 1853. Relégation: correspondance aux diverses ministères (1884-1896). Letter of September 3, 1887.

¹⁰² In one case presented in this chapter, a prisoner about to leave on relegation married while still in prison, and the prison director recommended him for individual relegation solely based on this fact. But his case was extremely rare. See H 3618/b Reynaud, Théodore.

term due to the aridity of the soil and the lack of agricultural manpower. Additionally, the demographics among the *relégués* were not those of a population fit to cultivate the land. If they were married, most of the time they were too old to even have children by the time they obtained their lot. Most lots only lasted a few years in the hand of their owners before the owners became too old or became frustrated with the arid soil and the *interdiction de séjour*, which constricted them to penal territory. Others preferred to voluntarily reintegrate into collective relegation rather than starve while unable to cultivate or face penalties for neglecting their parcel. Consequently, the families that could keep their lot and capitalize on any part of it were rare. Krakovitch quantifies the failure of the Penal Administration's effort at creating new families and concessions: in 1910, three years after the law against the relegation and transportation of women was enacted, there were 130 concessionaries in French Guyana. That is to say, decades into the venture only a fortieth of the penal population were concessionaries according to Krakovitch's estimates.¹⁰³

Almost twenty-five years into the relegation regime, the inspector Norès made a similar observation on the failure of individual relegation. Following this inspector's statistics, around 10,322 individuals had arrived in Guyana since the beginning of relegation in 1886 until 1909. Out of this number, 6,046 had died, and 1,465 had escaped and were still missing to date. That left, effectively, around 2,811 *relégués* (minus a handful of those amnestied). Norès also noted the changes in the number of *relégués individuels*. In 1904, for example, there were 400 individuals and 2,120 collectives. Already in 1909, when Norès visits the colonies, there were 645 individual *relégués* and 1,923 under collective relegation.¹⁰⁴ According to Norès'

¹⁰³ Odile Krakovitch, *Les femmes bagnardes*. (Paris: Orban, 1990), 166.

¹⁰⁴ ANOM H 1864. L'inspecteur de la première classe des colonies Norès en mission à la Guyane Française à Monsieur le Ministre des Colonies. Cayenne, May 13, 1909.

calculations, then, around a quarter of the *relégués* were under the individual relegation regime. But right after noting the numbers in a table, Norès clarified that the authorities still counted as individual *relégués* those who had lost this benefit for disciplinary measures and had been reintegrated into a collective. As I explained in Chapter One, the inspector stated that the authorities' statistics were "radically false and intentionally increased."¹⁰⁵ Individual relegation remained an ideal. Admittedly, there were barely the resources to sustain famers in the penal colonies. The readmissions to which Norès alluded were mostly the agricultural or commercial concessionaries whose land or stores had not been fruitful. These people were forced to leave penal territory in order to survive, to find food even; they automatically violated their *interdiction de séjour*, and if the news reached the authorities or they were not found at home upon inspection, they were considered deserters.

Following either inspector Norès or Krakovitch's statistics we can deduce that if the number of *relégués individuels* was that small, the number of families was even smaller. The *relégué* population was destitute, old, and unskilled; they barely had the youth and energy to start new families. In the particular case of the women, the authorities made an explicit effort to sentence and transport women in reproductive age, but the ratio of men to women remained disproportionate. In consequence, most of the concessionaries were single men. The laws for marriage were drawn out of necessity, but marriage and new families were not the norm, even if the relegation law project made it seem that way. Demographics and the natural resources available in the colonies thwarted the penal colonization effort that lawmakers proposed in France.

¹⁰⁵ *Idem.*

Foreseeable harsh conditions, however, did not discourage the *relégués* from working towards owning a farm and undertaking a life of tropical agriculture. Marriage and access to a small land lot were still an aspiration of many under collective relegation; at times, it was their only way out of life in prison. Colonial family life for the *relégué*, thus, was life as a concessionary, the owner of a small business or a small plot. Most families of concessionaries were between *relégués individuels* and liberated *transportés* or their daughters. Concessions, originally designed for the liberated *transportés* who were sentenced to relegation after their liberation, became inheritable, and by the 1890s, the Conseil Privé¹⁰⁶ of New Caledonia already had sessions to discuss the transfer of property to widows and children upon the death of the father or husband.

In order to divide the concessions' workload, the *relégués* opted for marriage. Marriage among the convicts was an affair that took after both regular courting practices in France and practices inside brothels.¹⁰⁷ During the second half of the nineteenth century, the *maisons de tolérance* of the upper and middle classes in France allowed their clients to choose from a group of prostitutes the one that interested them the most. Alain Corbin explains this practice in *Women for Hire*:

This period was then followed by long waits in the salon. On arrival, the *micet*, ("sucker," "dude," in other words the client) was shown into the main salon; there he found the inmates assembled in two lines in a previously arranged order. None of them was to solicit his choice by a verbal invitation, but they all tried to tempt the visitor with winks, smiles, movements of the tongue, or exciting postures. After offering his hand to a

¹⁰⁶ The Conseil Privé was an administrative organ composed by the Governor, the director of the penal administration, and other officials.

¹⁰⁷ Krakovitch also explains the process of courting and marriage in *Les Femmes bagnardes*.

woman of his choice, the visitor then left the salon accompanied by the subkeeper, went upstairs with the prostitute...¹⁰⁸

Similarly, after declaring their intent to form a family, the *relégués* went to choose a suitable bride in the women's camp, a convent where female *reléguées* worked and lived. The men chose a female *reléguée* who they liked and who was willing to marry him as well. Once the choice was made, there was a fixed schedule for visits during which the couple could talk. If she had agreed to the marriage as well, she had to start her process towards obtaining individual relegation. Both parties had to supply recommendations from their employers as well as favorable views from their supervisors or prison directors. Ultimately, the Governor along with the Conseil Privé considered the marriage petition.

If marriage was a reasonable decision for men, it was no less of a well-thought-out decision for women. As Michelle Perrot and Alain Corbin discuss in *History of the Private Life*, the idealized marriage for love was still rare in France; it was usually a practical union.¹⁰⁹ For many among the working classes, marriage and children represented an improvement in the number of able workers. Therefore, the comparison with brothels for female *relégués* is not merely to say that they were chosen as work mates or lacked sentimental attachment, rather that they were brought exclusively to provide wives for the convict population and were imprisoned at the time of the selection of a bride. New couples of *relégués* could only meet in the visiting parlor, and this arrangement rarely allowed for sentimental attachment, while beyond this, women had a list of possible suitors upon the expiration of their first six months in prison. Just as marriage in metropolitan France could sometimes be an escape from parental authority, in the colonies it was

¹⁰⁸ Alain Corbin, *Women for Hire* (Cambridge: Harvard, 1990), 84.

¹⁰⁹ See Alain Corbin, "Intimate Relations" in *A History of Private Life*, Michelle Perrot ed., 370-613.

an escape from the convent and prison. Marriage in the penal colonies was rather a survival strategy. Furthermore, since these new families were almost exclusively achieved among *transportés* and *relégués*, all efforts have to be considered within a social exclusion that had taken place *a priori* within colonial society: these were families that remained constrained to the penal territory, forced to maintain agricultural lots in sterile lands, among a population against which the free population discriminated.

In the colonies since his late twenties, Pierre Henri Servant is an example of the usual bachelor *relégué*. Pierre Henri had arrived in the colonies in 1887, and was granted a concession as a baker. However, in 1896, he faced charges for evasion from his commercial concession and unsatisfactory behavior. Servant excused his evasion, saying that he needed to leave the city in order to obtain supplies for his concession. In 1899, Servant wrote to the Commander charged of relegation, asking for the authorization “de contracter mariage avec une des femmes reléguées internes au couvent de St. Laurent.” He would go to the visiting room to choose among the group just as did the bourgeois clients of the *maisons de tolérance*. The Commander replied to his letter with a simple note scribbled over Pierre’s letter: “L’envoyer faire parler à St. Laurent pour y choisir une femme.”¹¹⁰ Choosing a wife at the female relegation camp was mostly a work-related affair; one did not find a sentimental partner in the *reléguées*’ visiting room but a companion.¹¹¹ The administration did not seem to present much opposition or any arguments regarding Servant’s previous misdemeanors. Beyond his behavior, it was important that the husband could afford the couple’s expenses; the *reléguée* woman had very little to decide other than if she

¹¹⁰ ANOM H 3593/a Servant, Pierre Henri. Note to the Commandant chargé de la Relégation, later stamped No. 737 Concessions.

¹¹¹ The idealized romantic marriage is explained as a bourgeois practice that started to gain ground at the very end of the nineteenth century. See Perrot, *History of a Private Life IV* for its history in France, and Jonas Frykman and Orver Lofgrén, *Culture Builders*, for a similar history in the Swedish bourgeoisie of the turn of the century.

wanted to marry or not. The lightness with which Servant and the Commander treat the process of finding a bride came as no surprise; any seemingly strong, hardworking *reléguée* would suffice to help around the bakery. Ultimately, Servant was affected with leprosy after serving at the lumber unit and never married.¹¹² Servant and many others never reaped the benefits of individual relegation. There were no resources for his bakery; he was punished and reintegrated for rupture of the residence ban; he was sent to one of the hardest and most unsanitary divisions (lumber) and died of leprosy almost thirty years after he was sent to the colonies. Servant's trajectory served as an example of life as a *relégué individuel* in two ways. First, the loss of his commercial concession made him one out of many other cases of prisoners forced to defect. And secondly, his case illustrates well how the selection of wives was usually done.

If Servant's case demonstrates the lack of agency that women might have had in the context of relegation, and even though in the case of women marriage was almost a granted outcome, we cannot conclude that women found the decision to marry evident. In fact, some exceptional women, like Louise Michel, preferred to employ their time in the convents learning a new trade or teaching others. On the other hand, the nuns that ran the convents where the women lived did not necessarily incentivize marriage, in part because they reproved the life of debauchery that some of these women had led. The conditions for women in the penal colonies were not as violent as those for the male could be, but a life of hard labor within a convent in the penal territory could still lead a group of women to opt for their way out through marriage. Celibacy, then, was not always an individual decision as it was for Louise Michel. Furthermore, life as the wife of a convict did not often represent a great improvement to a life of hard labor. Without any

¹¹² Servant was, later on, integrated to work in the *chantier forestier* and there are no other references to a marriage in his folder. He was classed as a leper in 1908, and, probably for this reason, he never married.

way of declaring that a marriage refusal was univocal declaration of female liberation or subjugation, there were still cases in which women refused to become wives.

Elisa Deslandes is one of the women *reléguée* whose refusal to marry is, if anything, too well documented. Barely twenty-four years old, she was sent to Guyana after being charged for theft. What is interesting about Elisa's case is that her life partner, Charles Fernand, faced the same charges she did, and yet he was not relegated. They both worked in his jewelry shop, where they replaced the jewels they were entrusted with fake ones, and sold them at a higher price. Perhaps her trial and condemnation to relegation was yet another example of a moral judgment of female debauchery and not necessarily of crime, as Schafer explains in her article "Beyond Paternal Right and the Dangerous Mother."¹¹³ The severity of Elisa's trial and sentence might have had more to do with the fact that she lived in concubinage than with her accomplice.¹¹⁴ But what is even more intriguing is that her fiancé was the one who reminded the authorities of their error in not relegating him, and suggested that he might be relegated as well in order to marry Elisa. Charles tried to explain how he had such "detestable antecedents" that he would soon be relegated as well, since he did not have anyone to take care of him either. He justified his decision by stating that he was only twenty-six years old and that he had a profession that "could be of much benefit in that country"; therefore, his relegation would be of some benefit to the colony and himself.¹¹⁵ A great deal of ignorance and rashness might have led Charles to demand

¹¹³ Sylvia Schafer, "Between Paternal Right and the Dangerous Mother: Reading Parental Responsibility in 19th Century French Civil Justice," *Journal of Family History* 23.2 (1998).

¹¹⁴ In fact, concubinage is directly linked to her crimes in her evaluation file, where the director writes: "C'est très probablement pour rejoindre cet individu qu'elle a sollicité la libération conditionnelle et non par désir bien arrêté de s'amender. N'ayant plus l'espoir d'être bien accueillie dans sa famille et dans son propre pays, il devient nécessaire de la reléguer aux colonies."

¹¹⁵ ANOM H 853. Deslandes, Elisa. Letter to the Minister of the Colonies, stamped on November 20, 1903.

to be relegated, but his letters are undeniably full of his desire to remain close to Elisa. He was even willing to marry her in captivity, believing this was what the authorities required in order for them to be together. There is no great indication that the couple was about to marry in France, but Charles was willing to make a legitimate union and move permanently.

Less than a month after Charles wrote to the Minister, he wrote a much longer letter, this time to Elisa herself. Throughout all four pages, he insults her for refusing his offer of marriage and assures her that this will not stop him from moving to St. Laurent. Charles' letter, full of insults and threats, probably never reached Elisa. Five months after this, the Minister of the Colonies finally replies: "Je vous informe que la surnommée a déclaré à l'administration locale avoir renoncé complètement à la promesse de mariage que vous lui auriez fait. Dans ces conditions votre requête n'est pas susceptible d'être accueillie."¹¹⁶ His passage to Guiana, thus, was rejected. By now, Charles was already painfully aware of the rejection, twice. There are no written records from Elisa herself, but her refusal to marry is still an eloquent part of her file. It remains the greatest unanswered question of the story. If we believe Charles' letter, it was a voluntary act. Without further proof, it is difficult to declare as a fact that the nuns in the convent might have forced Elisa to refuse the offer, knowing that her fiancé was not the best prospect to start a family; he was addressed as a *repris de justice* in her personal files. Did exile thwart her adventurous spirits, or did she see her exile as a fresh start and decide to cut all ties with the past? What future could Elisa have foreseen for herself? Could it be that she never saw a family in her future? Furthermore, how (un)common was it for the man to have a much greater interest in marriage than the prisoner woman? In any case, Charles' letter suggests that Elisa had some negotiation power in the *bagne* regarding her marital status. Charles' letter also hints at a

¹¹⁶ ANOM H 853. Deslandes, Elisa. Letter of April 23, 1904.

common practice at the time: immorality was the last straw that many times won women the sentence to relegation. If not, why, indeed, did the authorities not sentence Charles if he committed the same crimes and had a greater criminal background than Elisa?

Against the true odds of survival, and even though it had not planned for marriage laws among *relégués* when the regime started, the Administration in France did not take long to support unions among recidivists. French prison directors, prefects and doctors were persuaded of colonial labor's true regenerative capabilities. This could only be enhanced if entire families were put to work for their personal benefit and that of colonization. Evaluation files prior to relegation, thus, are full of references to "positive climate change," "a new and adventurous life in a different climate" and the imminent rehabilitation that a change of air would bring to the recidivist's criminal ways. Forced exile was seen as a new opportunity, and through new unions even more metropolitan incorrigibles could benefit from leaving France. In theory, marriages among the convicts strengthened the project of agricultural colonization.

This idyllic family and rehabilitative process, however, was merely a strong conviction among the French lawmakers and prison administrators, and it remained greatly disconnected from feasibility in the colonies. Once in the penal territory, the *relégués* needed the approval of their direct supervisors, as well as that of the governor and director of the penal administration, before marrying. But in France, decisions on family organization were also made while the *relégués* were still *relégables* and sojourned in the French prisons. Decision makers in the metropole approved unions that could not prosper, while they rejected pre-existing ones that could have formed productive families abroad. These decisions succeeded only on the basis of the recommendation or the personal opinion of the prison director or the prosecutor. Behind the recommendations for individual or collective relegation laid the administrative personnel's

personal judgments on the incorrigibility, morality or redeemability of the said prisoner. The recommenders' evaluation criteria were not necessarily objective, practical or even transposable to the *bagnes*.

In the case of Théodore Reynaud, he was allowed to marry while still serving his time in a French prison prior to relegation. Thirty-six years old, and with numerous previous condemnations, Théodore had spent over seven years in prison at different times. Given his record, Théodore's permission to marry is as mysterious as Elisa's marriage refusal. It is possible that this rare allowance was due to sympathy or pity cultivated precisely due to a prolonged stay in prison. Théodore married Francine Golfier, a street merchant. Francine could not earn a living, and Théodore faced eighteen previous condemnations for theft and fraud. As for his immediate family, his parents had died, and he had one brother relegated in New Caledonia and another brother in French Guiana, also *relégué*. Yet, in view of his good behavior and of his recent marriage, the prosecutor recommended him for individual relegation even before he was sent to the colonies. A recommendation for individual relegation previous to the journey was very rare!¹¹⁷

Contradicting the prison director's favorable judgment, who recommended him for individual relegation, Théodore escaped as soon as he arrived in Guiana. He was caught during his first year in the colony, and denied his identity upon capture. Two years after his arrival, his correspondence had a stamp that read 'DISAPPEARED.' Whether he had successfully escaped or had died in the attempt, the authorities, at least, did not have any information on his

¹¹⁷ Most of the demands for individual relegation were achieved at the colonies, and the process required at least a two-year wait and six months between demands in case the first request was denied. As a result, the number of individual *relégués* never exceeded a total of 800 (the highest number attained in 1914) per year and became almost negligible during times of world conflict (going as low as 21 admissions in 1917). See Sanchez, *La relégation des récidivistes*, 493.

whereabouts. Among the letters left after his disappearance was one from his wife of three years, with whom he had never lived in France or in the colonies. She wrote explaining that she regretted her decision to marry him, but still asked why he had not written back in a long time. After three years of separation, and despite his behavior, she claimed that she was still willing to make an effort to find money to send him, and to write to the Minister asking for permission to join him in Guiana.¹¹⁸

Despite the recommendation of the prosecutor in France and his persistent wife, Théodore became a collective *relégué* and Francine was never allowed to join him because Théodore escaped without previously accumulating the necessary money to obtain individual relegation. He never experienced life as a married man in Guiana, nor the rehabilitation process that it was supposed to represent, yet he was able to marry in France while still in prison. Curiously, the family ties that probably did help him in Guiana were the ones that the penal administration failed to address in detail: his *relégué* brothers. Théodore could have disappeared and died in the jungle, he could have escaped successfully and restarted his life elsewhere or he could have had the help of a different family network in his escape. Also, the letters that Francine complains of never receiving might have contained details about his disappearance. Either Théodore duped the prison authorities in metropolitan France into allowing him to marry, or he decided to escape only after he arrived. Aside from the possibility of a masterful or tragic escape, Théodore's trajectory depended greatly on the positive review of the one prison director, who trusted him enough to convince the local authorities that Théodore should be allowed to marry, and was later proved wrong. The opposite was also very true: bad recommendations were continuously given to individuals who deserved greater allowances. In both cases, these decisions were taken by

¹¹⁸ ANOM 3618/b Reynaud, Théodore. Letter of August 16, 1901.

only a handful of penal administrators and a very partial medical committee. Despite commonsense dictates, most decisions on family making were, as in Théodore's case, dependent on only a handful of prison supervisors. Since they were the ones who had direct contact with the prisoners, the governors and ministers would normally follow the former's opinions and recommendations. Consequently, allowing or forbidding families, as well as granting individual relegation, was an extensive bureaucratic farce.

Théodore Reynaud's case is an example of the ambiguity in which the *bagnards* were trapped upon their sentences to life in the penal colonies, and furthermore, of the ruses they saw as possible to escape or mitigate their sentences. The possibilities they were offered in France, for rehabilitation, a family life and a life dedicated to agriculture, were never immediate in the colonies, even in the few times when they were plausible. In part, Théodore's escape proved wrong the benevolent prison director, but we can read more into his story than a simple proof of his incorrigibility. First, his marriage while imprisoned was either an act of true attachment or true wit; whether he was trying to escape relegation or confront it through marriage, Théodore's marriage was a very rational decision. Second, the escape itself made proof of a strategic use of a social network (his brothers) that both penal administrations obliterated from their thinking, while it might have been the most present thing for Théodore.

These three cases (Elisa, Théodore and Pierre) demonstrate that while the creation of *relégué* families remained an idealized goal of the French penal administration and legislators, this was seldom a fruitful idea. While it was still a sociopolitical mine field, metropolitan marriage was conceived, performed and transplanted into the penal colonies following practices of civil law, penal law and even the muted practices of selection in brothels. Marriage had an externally imposed moral essence, which was thought rehabilitative, and it was imposed as a remedy for the

recidivists' incorrigible ways and as a method of colonization. But the penal colonies lacked the monetary and agricultural resources to sustain the family institutions that France artificially conceived. Despite the artificiality of the concept, the relegated had to somehow prove their sincerity and sentimental attachment in order to be allowed to marry and reunite their families. This role-playing was primarily done for bureaucratic purposes. In reality, the institution of marriage was simply the most rational way out of collective relegation and into individual relegation, and the *relégués* were very aware that they were playing a role to find their way out of imprisonment. Genuine attachment in hindsight is harder to define; it is something that is not easily assessed in evaluations and supervised letters. Though there are no records of Elisa and Théodore themselves, the manifest attachment of their *fiancé* and spouse respectively could be indications that their families truly cared about them, even despite the distance and prolonged sentences.

Parenting and Children in the Penal Colonies

Throughout the nineteenth century, children were fast becoming a central target of social reform. During the Third Republic, concerned with quickly legitimizing its rule, raising a child soon became an issue of raising a future citizen. Education, increasingly standardized, also became obligatory and secular; as such, at the turn of the century it turned into a political battleground. Children, as the future of the country, became paramount figures when considering the *question sociale*. For the legislators, creating new laws that strived to reduce the number of orphans, abandoned children and children from broken homes was the first item on the list of ways to reduce potential delinquents.¹¹⁹ France was recently adopting social theories on milieu

¹¹⁹ “Champi (dialect for waif) was one, and people who saw champis as potential delinquents treated them accordingly. The path from orphanage to reform school was well trodden.” (Perrot 146) & “Proponents of *recherche de paternité* argued that because of the suffering, poverty, and

over heredity determining social problems; politicians now understood that criminality was a social problem, not a biological trait.¹²⁰ According to Jean-Lucien Sanchez, the law of relegation, in fact, was a parallel project to the laws and regulations on abandoned children.¹²¹ The idea was that the recidivists' misconduct exerted a bad influence over the young, and therefore, they were a social threat, especially considering the susceptibility of children who came from a broken home and had no clear moral standards. Nonetheless, Sanchez suggests that linking the law on relegation to the newfound attention to abandoned children was merely another way to popularize among the working classes a law that would primarily affect them.

Reléguer les récidivistes pour séparer de leur « contact corrupteur » les classes populaires, permet en premier lieu au ministre de l'intérieur de se présenter comme le seul à défendre les plus modestes contre leurs agissements, comme le seul à porter secours aux « classes populaires » qui subissent leurs agressions. Mais c'est également garantir aux gouvernants que ce même peuple cesse de produire des « ennemis » de l'intérieur en stoppant la « corruption » que les récidivistes opèrent en son sein. Ici, le peuple reste toujours motif d'inquiétude pour les dirigeants et les mesures prises par les républicains opportunistes pour assister et protéger les enfants des ouvriers signalent cette appréhension. Car c'est essentiellement du peuple qui provient la menace. Peuple qu'il est grand temps d'éduquer, de pacifier et d'associer à l'exercice de la souveraineté

neglect the experience, illegitimate children without a proper moral upbringing, as a result of paternal abandonment, would be "recruited to the army of vice and occasionally to crime; they became disinherited wretched pariahs," vagabonds, prostitutes, revolutionaries, and recidivist criminals – a burden, danger, and expense for society – in larger proportion than legitimate children. They became visible components of the generalized fear of social breakdown. Social ills, especially those of the cities, were discursively traced back to fatherlessness." Rachel Fuchs, *Contested Paternity*, 145.

¹²⁰ See Nye, Chapter 4 in *Crime, Madness and Politics in Modern France*.

¹²¹ See Sanchez, *La Relégation des récidivistes en Guyane Française*, 65-68.

nationale. La relégation participe ainsi à l'effort de moralisation des couches populaires qui de la lutte contre l'alcoolisme à la lutte contre la pornographie accompagne le processus d'intégration républicain.¹²²

Far from this, the law of recidivism only created a bigger problem of abandoned children by exiling the parents. Generally, outside of the bourgeois world, which was ruled by property and marriage, the majority of the recidivists lived in a society where their families were “unofficially” constituted; they often lived in concubinage or as single parents. If one of the parents was missing, there was no guarantee that the remaining parent (if there were two) would stay in charge of the children, and even less that he or she was the natural parent of the child in question. Removed from France, the *relégués* sent to the penal colonies ceased to be a bad influence over the orphaned children, only to leave their own children abandoned back at home. Following metropolitan lawmakers, an absent criminal parent was preferable in the long run to a recidivist family member. Once in the colonies, there were not enough resources, or even the will, to grant as many individual relegations as the legislators of the 1885 law desired. After passing such an illogical law, the Administration had to face its inner contradictions: the law presupposed “incorrigible recidivism” as a disqualification for parenting, and estranged parents who, despite their criminal records, had not necessarily renounced their parental responsibilities.

Anne Deniel, housekeeper, was twenty-nine years old when she was condemned to relegation in April of 1886 for her third theft. She was the mother of a ten year-old son and was seven months pregnant when she was sentenced to six months of jail and relegation. During her relegation evaluation, she reportedly said that her husband might join her again upon liberation but that he was not willing to go with her to the colonies; individual relegation, then, was out of

¹²² Sanchez, *La Relégation des récidivistes en Guyane Française*, 65-66.

the question, as was the possibility of taking her children along. Upon the insistence of the prefect of Finistère, the director of the detention center in Brest recommended the remission of relegation, but not parole, in the case of Deniel. The director wrote that he believed in Deniel's "sincere repentance" and that, furthermore, since she was pregnant, her case required a greater interest.¹²³ He continued by stating that, nonetheless, Deniel had seven infractions with the *police de mœurs* and that this could not be simply overlooked either. Though the director does not specify the nature of the infractions, this indication points to Deniel's repeated involvement in any of the activities deemed immoral or against public decency at the time, perhaps excessive alcohol consumption, gambling or prostitution. In theory, the magistrates who punished Deniel with relegation had in their hands an excellent example of the recidivist that legislators warned against during the previous campaign season: a poor and pregnant recidivist.

The case would have been a perfectly normal one of a recidivist turned into a *reléguée*, sent to the colonies where she would cease to cause trouble in metropolitan France, were it not for the fact that Anne Deniel had a family of her own which she was determined to keep by her. Thus, at the end of her six months in the detention center in Brest, Deniel herself wrote to the Minister of the Interior asking for clemency to remain with her newborn, who had been born in the prison.¹²⁴ Deniel was allowed some extra time in Brest, but she was still sent to New Caledonia and arrived in August of 1889. Five years later, in March of 1894, she had her first favorable evaluation towards individual relegation. The commander who writes the recommendation letter notes that her behavior had been irreproachable, that she was docile and a good worker, and that she had

¹²³ ANOM H 853. Deniel, Anne. Letter from the director of prison in Brest to the Prefect of Finistère. August 13, 1886.

¹²⁴ ANOM H 853. Deniel, Anne. Letter stamped on December 14, 1886.

but one light punishment, which dated back to 1891.¹²⁵ Two years after this, in 1896, Deniel was reintegrated into collective relegation after being tried for theft.¹²⁶

Still married to her husband, Jean Pierre Morvan, who refused to move to New Caledonia with her, Anne had no way out of collective relegation after her reinstatement in 1896 for misconduct. However, after the death of Deniel's husband, Anne was allowed to remarry, and thus obtain a somewhat greater liberty to live outside of the women's detention center in Bourail. She applied for the permission to marry a liberated *transporté* during the spring of 1897 – perhaps the only way out of collective relegation that was left for her. Her candidate was Jean Baptiste Woehleren. In 1877, Jean Baptiste was condemned to transportation for attempted homicide when he was 21 years old.¹²⁷ He had since obtained a commutation of his penalty to 20 years instead of forced labor for life, and had become a concessionary in La Foa. The couple did not obtain a unanimous approval; Anne's supervisors did not believe she had a sincere wish to marry, nor that her rehabilitation had been thorough given her misconduct in the colonies, and the marriage did not take place. Anne Deniel remained in collective relegation.

Thirteen years after her condemnation and eleven years after her relegation took place, Deniel had lived barely a year outside of the convents where she was held in collective relegation for theft. Her children were under public assistance in France. They could not join her until she married. In 1900, she filed again for individual relegation and in 1901 for the same favor in order to remarry. She disposed of excellent recommendations from her employers and supervisors in

¹²⁵ ANOM H 853. Deniel, Anne. Renseignements. Notice de la reléguée collective No. 144, Deniel, Anne. Fe. Morvan qui sollicite son admission à la relégation individuelle. January 29, 1894.

¹²⁶ ANOM H 853. Deniel, Anne. Her file reads "soustraction frauduleuse," which could mean theft or, following the rules of the relegation camps, including the women's, inappropriate use of the uniforms and other material used in prison (plates, shoes, paper...)

¹²⁷ ANOM H 651. Woehleren, Jean Baptiste.

the convent of Bourail. The director of penal administration, nevertheless, had a different opinion on the subject: he was against individual relegation due to “insufficient amendment.”¹²⁸ On the evaluation for individual relegation, he wrote: “Je ne sais pas quel intérêt elle peut avoir à la relégation individuelle puisqu’il ne s’agit pas pour elle de se marier. Cette femme a été condamnée pour vol dans les colonies. J’émetts un avis défavorable.”¹²⁹ According to the director, Anne had no sincere interest in marrying and forming a family in the colony; she was merely an incorrigible thief with a selfish interest in escaping life in prison. The director might have had only a detached, stern view of the affair, basing his decision on a slight infraction committed five years earlier. But his remark on Deniel’s reasons to marry might have also been very perceptive. If she had been confronted, Anne might not have lied about her strategy; she was interested in marriage as a means to individual relegation, but for reasons different than individual liberty. In fact, the women’s relegation camps were organized so that women’s marriage would be almost automatic, eliminating this very possibility of sincere repentance and rehabilitation. The penal administration director’s opinion, then, went against the functioning of the very institution he managed and primarily revealed his personal bias for lack of a convincing argument.

Deniel’s second candidate for marriage in New Caledonia was Joseph Sibadé, also a concessionary in Bourail. Already in his early forties at the time of the marriage application, Sibadé had been condemned in 1879 to eight years of forced labor and ten of supervision for robbery and smuggling.¹³⁰ In 1903, the Commander of the Penitentiary declared that Sibadé had

¹²⁸ ANOM H 853. Deniel, Anne. Reference to this appears in a letter from the Commander of the Penitentiary to the director on October 22, 1902.

¹²⁹ ANOM H 853. Deniel, Anne. Notice de la reléguée collective No. 144, Deniel, Anne. Fe. Morvan proposée pour la relégation individuelle. 1901.

¹³⁰ ANOM H 748/SIBADE.

the means to have a spouse and that a doctor had certified that Deniel was in good health. Finally, in 1903, the couple was allowed to marry. Once married and granted individual relegation, Anne wasted no time in fulfilling her plan: she asked for her daughter to be sent to the colony. Upon direct request on the matter, she answered that she did not know what had become of her son. The authorities agreed that if Jean Morvan were alive he would be 28 years old and did not need the assistance of his mother at that age.¹³¹ They resolved to bring only her daughter.

On May 17, 1904 Anne's daughter wrote to her mother. Marceline Morvan had been placed under public assistance in April 1889 at the age of two upon her mother's relegation. Even though her father had given Marceline his family name and had, presumably, recognized paternity, he had never taken her in charge. Now 18 years old, she had recently been told the news that her mother wanted her to move to New Caledonia with her.

Marceline's letter, almost at the end of the file, is what gives the rest of the file not only a sense of cohesion, but furthermore, one of completion, besides a striking human dimension to the entire affair. True to her public education, she writes to her mother with a mix of Christian reconciliatory and forgiving feelings, along with her own excitement of finally being able to contact her mother after sixteen years of separation and of no contact with the rest of her family in France.

Maintenant tu me demande si je voudrais aller labas avec toi. Oh oui ma petite mère qu'importe pour moi l'exil, si je suis auprès de toi. Tu me dis d'écrire d'ici, mais je ne peux, parce que les religieuses et les inspecteurs m'ont défendu dans la dernière visite qu'il a fait il a encore dit qu'il ne voulait pas de correspondance aussi je n'ose demander de permission parce que sais la réponse que l'on me ferai ... vois-tu mère cette lettre je te

¹³¹ ANOM H 853. Deniel, Anne.

l'écris dans le grenier sur ma malle. ... Souhaites le bonjour a celui qui nous servira désormais de soutien car s'il est décidé d'être pour moi un bon père, moi aussi je lui témoignerai toute mon affection car je l'aime déjà puisque tu l'aimes. ... Pardonnez mes élans fillial mais c'est que cela est bien doux à une fille qui était orpheline il y a 2 jours de retrouver sa mère et de lui parler pour la première foi. Je te demande si je pourrais t'écrire tous les mois car je suis avide de tes lettres qui me disent qu'il y quelqu'un qui pense à moi et qui m'aime.¹³²

Marceline's letter was kept in file as proof of her trip expenses, which were paid for by the government. Beyond the moving image of an orphan child who finds her mother right before she is forced to leave the orphanage, her letter also bears great marks of the time. It is pertinent to note that both mother and daughter's letter were subject to scrutiny. In fact, during the turn of the century, private correspondence was increasingly less intercepted and read, except in the two very institutions where Anne and Marceline were held, prisons and boarding schools.¹³³ Marceline was not exaggerating, then, when she mentions that she had to write while hiding and that they would have to be very careful in the way they exchanged correspondence, even in the external marks on their envelopes, in case third parties intercepted their letters.

Furthermore, Marceline's reference to her new stepfather is very revealing. Even though her mother's original letter is not available, the tone Marceline adopts when speaking about the new "provider" for both her mother and herself might be an indicator of how Anne, herself thought about Sibadé. Her devotion to her stepfather is but an extension of her mother's own devotion to the man, who by marrying Deniel and assuring material security, allowed mother and daughter to

¹³² SIC. ANOM H 853. Deniel, Anne. Letter written on May 17, 1904.

¹³³ See Alain Corbin, "Backstage," in *History of Private Life IV* on the practices of private correspondence and its public.

reunite. As long as Sibadé remains a good provider (*soutien*) and, as such, a good husband to her mother, Marceline guarantees her filial affection. Thus, even in the colonies, the metropolitan French family construct held fast.

Before Marceline's trip, the authorities evaluated the newlyweds again according to their capacity to have a family, and judged the couple fit. It was the Governor who then wrote to the Minister of the Colonies to demand the necessary money to cover the voyage expenses from Brest to Marseille, and ultimately, to New Caledonia. He explained that the couple was of well-behaved, hard workers, and that Marceline would be better "among her own than exposed to the risks of existence upon ending her public assistantship. She could create a better situation for herself in the colony be it through marriage or the direction of her parents concession than if she were sent to live with strangers."¹³⁴ Marceline traveled to Marseille and embarked in March 1905 to New Caledonia. Finally, in 1910, Joseph Sibadé died and Anne Deniel was relieved from relegation altogether in December 1911, at the age of fifty-four. There are no records after this date, nor demands for a subventioned return to France; presumably Anne and her daughter remained in the colonies.

The case of Anne Deniel is particularly striking when one considers how remarkably similar her situation is, even though she was in New Caledonia, to the situation of many other families, and especially mothers, in metropolitan France. Despite her misdemeanors and her encounters with the *police de mœurs*, Anne Deniel remained an invested mother throughout her pregnancy and first months with her newborn. She wrote numerous letters asking for the favor to remain, even in prison, next to her baby. Anne Deniel and her daughter Marceline were granted their reunion in no small part thanks to their individual efforts throughout a decade. But it is doubtful

¹³⁴ ANOM H 853. Deniel, Anne. Letter of the Governor of New Caledonia to the Minister of the Colonies. November 28, 1904.

that they would have each been granted the favor had Deniel not married Sibad . As the century progressed, women slowly gained a greater independence within their homes, and particularly regarding paternity rights, but it was still unconceivable for the State to provide for a household in the colonies with a recidivist mother as head and her abandoned daughter. Deniel had to marry, and Sibad  was certainly needed as head of the household.

Deniel's case illustrates a greater situation in the turn-of-the-century France: the redirection of family issues through children and paternity. Before Marceline was able to rejoin her mother, Anne Deniel had to spend over a decade demonstrating a satisfactory moral behavior, working, saving money and providing a father figure for when her daughter arrived. Marceline left public assistance, but only after the Governor, himself, certified that returning to her mother was a positive change.

Deniel's individual gains through marriage and recomposing her household were scarce and slow to arrive but still present. In *Contested Paternity*, Rachel Fuchs also discusses the small gains that women achieved, which were still not due to gender equality, but that were, nevertheless, obtained while resolving family issues:

Patriarchal law became increasingly obsolete in the face of cultural and economic shifts in society. In this relocated balance of power, women exercised some initiative and made some gains. But there was no greater sense of gender equality for women, qua women.

Rather women gained power as mothers, in the name of their minor children, or as victims of fraud and broken contracts.¹³⁵

Certainly, Anne did not gain her independence or any kind of freedom as a woman alone, but being a mother afforded her a greater liberty that the other relegated prisoners could not enjoy, or

¹³⁵ Fuchs, *Contested Paternity*, 61.

even aspire to, without a family. If the director of the prison was right, then Deniel was able to see this on her own and knowingly got married in order to obtain her way, all while using the system in her favor. Restructuring her family life in the colonies, Anne Deniel, too, was able to escape collective relegation.

In another similar case, an apparent tendency towards deviancy did not deter Anthelme from fulfilling his paternal duties either. We have to understand theft as a felony but perhaps also need to clarify the circumstances of recidivism and the severity of the crime. Anthelme had a long list of condemnations for theft. Then again, his file also read “ne possède absolument rien” under the section of ‘Resources.’ The condemnation to relegation came after a trial for stealing a candle and a piece of cloth, which he said he found abandoned on the street. Anthelme was probably a staunch felon, but he was also staunchly destitute. According to the director of the detention center of Angoulême, Anthelme could not help himself when it came to stealing; he suffered from the “monomania of seizing the others’ goods.” Anthelme himself confessed that he was pushed to steal as by an invisible force. The moment he drank, he was drawn towards theft, and could not stop drinking either. The prison director concludes his individual assessment, as was usual: “C’est un ivrogne incorrigible. Aussi doit-il être envoyé aux colonies pour y être soumis à la relégation collective.”¹³⁶ No one can guess based on the expressions on his ‘Pièce II’¹³⁷ alone that Anthelme was head of a household, father of two and married, or that he was probably stealing due to utter lack and not really an inherent vice. Leaving on relegation, Anthelme was

¹³⁶ ANOM H 3585/a Jacquet, Anthelme. Pièce II. Avis du Directeur du dépôt d’Angoulême. October 11, 1893.

¹³⁷ The Pièce II was also titled ‘Conclusions, avis et décisions concernant le nommé...’ It was the part of the evaluation file in which a doctor, the prefect, the prosecutor, and the prison director explained what sort of regime they thought necessary in the case of the individual prisoner.

separated from his wife, who could not afford a living for herself and their two sons, Auguste, 7, and Louis, 3.

Three years after his relegation, Anthelme's wife died and the children were placed under public assistance. Finally able to obtain his individual relegation, Anthelme filed for the permission to marry another *reléguée* from the convent of St. Laurent. The permission was granted, but they had to wait for her to also be allowed into individual relegation. By now six years into his sentence, Anthelme had a concession in the island of St. Louis and he was able to afford a family life. There is a letter of Anthelme's barely two months after he applied for marriage, clarifying the final details of his sons' trip to St. Laurent. He must have started both processes simultaneously. Both Anthelme and Anne Deniel took some years to reclaim their children, but the waiting time was mostly due to bureaucracy rather than their own decisions; before being allowed to be reunited with their families, the *relégués* had to obtain individual relegation, save money and marry, all while trying to cheat death, competing against famine and tropical illnesses. Anthelme, for example, only barely made it. He died of anemia a few months after his children arrived in the colony. His new wife wrote to the authorities asking to be allowed to live in the concession a few extra days, before being thrown out, and for provisions to live on since her husband left them penniless.¹³⁸ Too young to take care of themselves, Anthelme's sons, now 16 and 11 years old were repatriated and placed, once more, under public assistance. At the end of the bureaucratic process, they spent a total of four months with their father in the colonies. Their destitute single mother in France and four months in a concession that did not prevent their father from dying of anemia was the extent of Auguste and Louis'

¹³⁸ ANOM H 3585/a Jacquet, Anthelme. Letter of May 16, 1900.

family life. Relegation left them orphaned. Unable to support the concession and children on her own, Anthelme's second wife probably died as well or remarried.

Out of numerous other broken homes that relegation created, another was painfully recorded in the archives as such. On June 25, 1897, Joseph Bomble wrote to his brother back at home in Pas de Calais:

Mon cher frère tu me dit de ma femme et .. Selinque, Pierre; qu'il livre mes deux enfants à des mauvaises accions et mauvais, traitsments, et que tu me dit que ma fille elle ai bien malade au sujet que ma femme la livre a des mauvaise accion et mauvais traitements, enfin je te dirai cher frère cela me chagrine horriblement fort, et dorre an avent puisque c'es ainsi que ma femme et son amant Selinque Pierre, qui brutalice et mauvais traitement envers mes deux enfants je te recommande de poursuivre l'affaire dans toute sa rigueur.

Cher frère comme tu vois je t'envois mon ordre et mon pourvoir de re tirée mes deux enfants des mauvais traitements envers ma femme et Selinque et je te recommande de lui prendre de force et les gardée et en prendre soin chez-toi et je suis certain que notre bonne mère en prendra soint aussi. Ho cher frère que je sereai heureux de revoir mes deux enfants pour pouvoir les protéger les deux hi-noçents enfin mon cher frère fait pour un mieux et tache de les retirée pour ne plus qu'il soits frapper par se lache, Selinque et ma femme.¹³⁹

Joseph's daughter was nine years old, and his son was seven. Across all five pages, he explained the urgency of the situation and thanked his brother for acting in his behalf. However, his brother never could read the letter; the authorities retained it. Attached was a note with the correct

¹³⁹ ANOM H 3593/a Bomble, Joseph Louis. Letter of June 25, 1897. His spelling.

procedure in these cases: “Il faut écrire au Maire ou au Commissaire de police du lieu où réside l’épouse, afin de faire prononcer contre elle la déchéance de ses droits maternels. Ensuite les enfants pourront être confiés à un tiers ou le Département les prendra à sa charge.”

Bomble’s case largely illustrates the political concerns and governmental procedures regarding families during the last decade of the century. Moreover, this case further illustrates the particularity of relegation due to the double standards that arose when two Ministries were in charge of the same punishment process at different stages, and with radically different possibilities at both sides of the empire. For different reasons, Bomble in the colonies and his wife in France were both simultaneously granted the authority over the children and deprived of the very same power over them. The questionability of Bomble’s wife, Louise, was present from the beginning of the relegation procedure. Already, in his evaluation file, the director of Landernau’s prison noted that his wife, then twenty-four years old, was of a “moralité douteuse,” and that she lacked the means of existence. She had also been in jail for stealing a watch. Louise was certainly a good example of the maternal rights revoked for arbitrary judgment of female questionable morality that Sylvia Schafer discusses. Maternal rights that did not exist as a fact, that is. In this particular case, Louise really was mistreating her children, to the point that Joseph’s brother thought it necessary to inform him, five years into his relegation sentence, of what was happening back at home. If we believe in Joseph’s true attachment, his feeling of helplessness must have been unbearable. The idea that he, in the penal colonies, had a greater role in protecting his children than his wife back in France, nevertheless, is striking. Once the mother was deemed unfit to raise the children, it seems as if paternal authority was greater than his individual criminal acts. This temporary revocation of unfitness was never possible with women. Ironically, the individual’s tendency towards crime is precisely what had previously

disqualified him from exerting his paternal rights in the Metropolis. This distinction between the capacity of functional parenting and the individual penchant for delinquency is not apparent earlier in the relegation process, and thus when exiling the *relégués*, the dominant argument is almost solely his personal deviancy. Most evaluations, if not all of them, discarded other possible social relations and contributions that the “incorrigible” might achieve. The authorities suggested placing the children under public assistance if no one else in the family could take care of them. It would be interesting to explore if any female *relégués* could have done as Joseph did and send a letter authorizing third family members to seize their children, in case of demonstrated paternal incompetence. The authority over the family that the father had lost through crime was somewhat reestablished from a distance and from prison. By forgetting her gendered moral role, other than the economic charge for which she was now responsible, the mother had lost all her rights.

We can not ignore, either, that Bomble was made aware of the language he should use in his letter, given the number of times that he repeats that Louise was mistreating both children. This repetition might be a normal lack of eloquence due to a mixture of his educational background and distress, but it is also possible that he was counseled by a fellow prisoner or even by a prison guard as to the concepts he should mention. The effort to accuse the mother, then, might have been twofold, coming from the administration and from Bomble.

Beyond the irony that arises, deep paternal attachment exerted from a distance is moving and all too common. We can wonder then, if Bomble worried about the fate of his children, even while he could not obtain any material benefit from their fate. Was this not a sign of morality and attachment? It is not common for maladjusted citizens, as the *relégués* were said to be, to go through so much trouble for their children, nor to humble themselves before the authorities while

in exile, recognizing their incapacity to protect their children. Even after five years of separation from his country and his family, Joseph worried about the rearing of his children. From this evidence, it can be argued that he was both fulfilling his parental duties and showing true civic responsibility.

I do not intend to say that Deniel and other recidivists discussed in this chapter saw the family in the same way that the exemplary bourgeois family did. There is no need to uphold the family organization of the bourgeoisie, knowing that it was not the only family arrangement during this time. The family can very well retain its importance without maintaining a fixed nuclear structure. The institution, in whatever form, triumphed. Regardless of its constitution, throughout social classes, the family was necessary to face the government, even the penal administration in these stories. This recognition, though evident in these cases, was generally presumed absent in this population of recidivists; nevertheless, family was an institution that the *relégués* valued. Yet, something as crucial as their family network remained disregarded if it did not correspond to the upper class's standards. Ultimately, the individual, bourgeois or working class, free or recidivist, came into dialogue with the government through and at the heart of his or her family. But what happened to those who did not have children or a strong family network? What agency or negotiations did they have regarding granting concession or even liberation into individual relegation when they could not make an argument for parenting?

The Childless

Also condemned in 1886, Joséphine Duteurtre's case is strikingly different from Anne Deniel's in one respect: Joséphine, sentenced to relegation for theft, did not have strong family ties. She had neither a strong relationship with her parents nor an official husband or children of her own. In fact, it seemed that the best reason to relegate Joséphine was *precisely* because she

did not have children and because of her immoral attitude towards the institution of the family. According to her evaluation file, Joséphine and her husband, Albert Boimard, had voluntarily separated fourteen years prior to her condemnation. Albert had gone on to work as a journeyman, and Joséphine worked as a winder and dress-maker. However, the director of the prison in Rouen specified that Albert, himself, had a “good reputation” and that Joséphine had but a “restraint” relationship with her parents. Regarding her work and her behavior while in prison, the director writes that she was well behaved, that there was no need for special surveillance and that she was a hard worker. He immediately wrote under his observations on her conduct:

La femme Boimard est une voleuse incorrigible qui ne tarderait pas à revenir en prison si elle était libre. Elle redoute la relégation et fait tout ce qu'elle peut pour l'éviter ; elle manifeste un repentir que je ne crois pas sincère ; elle cherche à renouer des relations avec son mari et ses parents dans l'espoir que ceux-ci pourront l'empêcher de partir. Mais elle n'a qu'une chose en vue c'est de retrouver l'homme avec lequel elle vit en concubinage depuis 11 à 12 ans. La femme Boimard n'a pas d'enfants. Rien n'empêche qu'elle soit reléguée.¹⁴⁰

Joséphine was thirty-six years old at the time of her relegation, which means she had been living with her partner since her early twenties. She had separated from her first husband, who was forty-five at the time of this evaluation (nine years older than her), around the age of twenty-three or twenty-four; the reasons for their separation are never specified. The director, however, refused to acknowledge her union of over a decade to another man as a marriage, and even left her concubine nameless, while he wrote a favorable reference about a husband with whom she obviously did not correspond. Clearly, if Joséphine wanted someone to intercede for her she

¹⁴⁰ ANOM H 854. Duteurtre, Joséphine Marie Désirée (femme Boimard). Evaluation file.

would have to reestablish contact with the person who was her husband in the eyes of the government, and not the person with whom she had lived for the past twelve years.¹⁴¹ Amazingly enough, Joséphine contacted Albert and he *did* write interceding on her behalf.

The link between the decision to relegate her and her questionable family relations reappears further on in the same evaluation file. In the last page of the evaluation, under the section *Behavior while Free* (i.e. *Conduite dans la vie libre*), evaluators usually gave further details about the recidivists' criminal history or any other particularity that they thought the sections *Family*, *Behavior* and *Work Experience* did not cover. The director, here, repeats how Joséphine's broken home drove her to her criminal ways:

Mariée à 21 ans la femme Boimard quitte volontairement son mari au bout de 22 mois sans motifs sérieux. Deux mois après cette séparation elle est condamnée pour vol. depuis, elle a subi 4 autres condamnations toujours pour vols. Quand elle n'était en prison elle vivait avec un homme de son pays.¹⁴²

According to her evaluator, her condemnation for theft is a logical outcome of her unwise behavior regarding her marriage. She left her husband for "no good reason," and right after the separation, she was caught stealing; the transition is immediate. Furthermore, she spent her time outside of prison – which, when explained in this way does not seem to be much – with "a man from her region." Nothing in the tone of that sentence indicates that this was a better way to employ her time than being in jail. Her criminal behavior is but a public display of her unfitness for a family life in private. Consequently, all sentimental attachment that she might show – her fear of relegation, her repentance, and mostly her attachment to a man to whom she is not legally

¹⁴¹ In order to be released exceptionally (and even exceptionally was very rare), a family member had to claim the relegated and promise to receive them in their homes, or even provide a job.

¹⁴² ANOM H 854. Duteurtre, Joséphine Marie Désirée (femme Boimard). Evaluation file.

married – must be equally insincere and immoral. Without standardized family ties, the recidivist condemned to relegation had very little chance of obtaining any hope of a future freedom, even a favorable view from authorities.

Of course, Joséphine's version of the story contradicts this view of the penitentiary director. Once she arrived in Guyana, Joséphine made the local chaplain write a letter to her parents because she had "neither the strength, nor the courage" to write to them herself.¹⁴³ Seemingly without much to say, the chaplain wrote about the conditions of the women's camp; he said that they were in better conditions than the men, even though there were no preparations to receive the women and they had to be placed elsewhere.¹⁴⁴ The chaplain also mentioned that Joséphine had told him that she had reconciled with her husband, perhaps as a way to imply to her parents that they should follow the example and reconcile with their daughter as well. Some time later, Joséphine wrote to her parents regretting that she had never heard from them after the chaplain, himself, had taken the time to write on her behalf. However, if the letter is in the archives, we can assume it never reached her parents in France and that their silence was not necessarily contemptuous.

Far from the detachment that the director of the penitentiary ascribed to her in the evaluation, Joséphine's main concern in her letter is the distance from her family.

C'est de l'exil que je vous écris afin de vous apprendre le malheur qui m'a frappé ; j'ai été comprise dans la loi de la relégation que je ne connaissais pas ; qui peut comprendre

¹⁴³ ANOM H 854. Duteurtre, Joséphine Marie Désirée. Letter written on November 11, 1887.

¹⁴⁴ It was prohibited to describe the conditions or any part of life in the camps in letters. This might have seemed like too much information to the authorities and would explain why the letter is today in the archives and, therefore, never made it to Joséphine parents.

une loi qui sépare une femme de sa famille et de tout ce qu'elle peut aimer (sic). Malgré mes tords, je n'aie jamais cessé de penser à vous tous.¹⁴⁵

Nonetheless, her rekindled attachment to her family was too little, too late. Joséphine finally wrote to her parents two years after her condemnation, only after she had made the chaplain send a first letter to them. Judging by her first sentence, “I’m writing to inform you of the misfortune that has struck me; I have been affected by the law of relegation,” she had not communicated with her parents since her condemnation, or probably earlier. Albert, however, had visited her while she was in jail in Rouen, three times in one month. He had brought news about her parents and her sister-in-law. That was the extent of her relation to her parents and to her former husband, for that matter. Now she wrote asking them to forgive her, as Albert had managed to do, and to ask them to join him in his petition to the President. The penal administration, however, required these petitions to the President for sentence remissions be a spontaneous act of the prisoner’s family; Josephine could not ask her parents directly to intercede on her behalf. Letters like this one were usually held for stating false information (*propos mensongers*); even though there was no fixed category, the penal supervisors referred to letters with complaints about the punishment or conditions within the prison as defamatory and misleading. Her letter, then, was retained for discussing her sentence so openly, which was prohibited – a prohibition that served more than anything to eliminate “insincere” accounts.

If Joséphine’s intentions could have been less noble than she wanted to make them seem, her accusations are keener than she might have known: relegation separated individuals from their families and those they loved, and this made no sense given that French legislators had made the family a paramount figure during the same time. One could excuse the government, and declare

¹⁴⁵ ANOM H 854. Duteurtre, Joséphine Marie Désirée. Letter written on 1888.

along with it that Joséphine did not deserve a second chance because she had no real marriage or a stable family of her own, but what was the excuse in the case of Deniel, who had a husband, gave birth in jail, and waited fifteen years to reunite with her daughter? Furthermore, regardless of the reasons that led to her separation from her first husband, Joséphine managed to have a relationship with another man for twelve years; in practice, this was a longer marriage than her first. Joséphine might have been a thief and a recidivist, but the authorities refused to grant her any second opportunities not based on her criminal records, but on her family's structure. She died in Guyana in 1889; the authorities informed her parents of her death in 1892, after they asked about her whereabouts. Indeed, who *could* understand that law?

Beyond Sylvia Schafer's remark on how during cases of responsible paternity women were judged for immorality¹⁴⁶, Joséphine's case allows us to suppose that women who were married but had not had any children were equally disapproved of. Paternity and the lack thereof was a double-edged sword for women in France. Being an irresponsible parent or not being a parent at all worked as aggravating circumstances in the case of female recidivists. Male recidivists were certainly judged following moral standards; women, it seemed, were even more greatly held up to a general moral code. Joséphine's attachment could have only been accounted for had she lived with her official husband or had children of her own.

When we compare Anne Deniel's situation with Joséphine Duteurtre's, it is evident that there was a greater leniency towards mothers. Both women had to face relegation in the end, but the director of the detention center interceded on behalf of Deniel and only further accused Joséphine. What is more, the prison director lessened Anne Deniel's previous encounters with

¹⁴⁶ See Sylvia Schafer, "Between Paternal Right and the Dangerous Mother: Reading Parental Responsibility in Nineteenth-Century French Civil Justice," *Journal of Family History* 23.2 (1998): 173.

the *police de mœurs* in his account, while in Joséphine's case he further accused her for unaccounted misbehavior. Thus, in the first case relegation was rather a misfortune, whereas for Joséphine it came as a long-deserved punishment. There is no possibility, apart from the director's account, to determine for a fact if Anne Deniel was more sincere than Joséphine. Judgment of women's mores and private lives played a great role in assuaging their sentences. We might ask if it was either motherhood or marriage to which women had to abide. Female *reléguées* faced a double standard when compared to the males: they had to be mothers and sustain an official marriage.¹⁴⁷ Indeed, women were held to a higher moral standard than men, for whom the issues of concubinage or parenthood held a less prominent role in their recommendations and personal files; however, the aggravating circumstances for women were different in each case. The women *relégués* make for a perfect example of Foucault's explanation of 'extenuating circumstances' during his 1975 lecture on the abnormal. According to Foucault:

...when there is not a complete certainty about an offense or crime, the judge – whether magistrate or jury – tends to translate this uncertainty into a mitigation of the penalty. A penalty that is mitigated to greater or lesser extent, but a penalty nonetheless, corresponds to a certainty that has not been completely established. That is to say, even now in our

¹⁴⁷ In the case of Delphine, motherhood was the redeeming factor. On the redeemability of mothers, Rachel Fuchs notes: "Whether it was the women themselves, unscrupulous men, or economic conditions that were to blame for single motherhood was a subject of dispute. Depending on the position of the writer, the single mother was morally corrupt – degenerate, drunk, and a threat to the sanctity of the family and the social order – or a sinner but redeemable, or an innocent victim of the circumstances. Toward the end of the century the image of the single mother as a depraved woman receded to the more dominant image of her as a victim of society who must be protected for her children's sake – if not for her own." Fuchs, *Poor and Pregnant in Paris*, 37.

system, and despite the principle of profound conviction, strong presumptions never go wholly unpunished. This is how extenuating circumstances operate.¹⁴⁸

Similarly, the women *reléguée* were judged certainly in court, but even more so in prison, for their private lives: a tacit testimony that still worked without fail as extenuating circumstances in the case of women recidivists, while it only functioned in this way at times for the men. Behind their sentences to relegation and individual evaluations of women's personal files, there was extended assessment of their sexuality, marital status, and, if possible, maternity. This multifaceted evaluation was sure to follow them to the colonies; obtaining individual relegation, or the permission to marry and bring their children to the colonies, still depended on them "improving" both their criminal ways and their debauched lifestyles.

Though in the case of Anne Deniel, her misdemeanors once in the penal colonies might have cost her the delay in obtaining individual relegation, there were cases where maternity sufficed as an alibi for a potential morality that might serve as a redeeming factor favorable toward individual relegation. One such case is the story of a gypsy family, Delphine and Pierre. Delphine was sentenced in 1902 to relegation after her last theft, amounting to a little under 3F. She wrote to her "cher mari" from the colonies, thanking him for his previous letters and regretting that she was so far from him and their child. She discussed at length the situation back at home regarding their son: "tu me dis qu'il ne t'écoute pas mais tu lui fait son malheur car un enfant qui n'écoute pas son père tout est perdu a corrige le temps car peut être qu'un jour il serait trop tard." She encourages her husband to come to the colonies, where he will earn a living and they will be close to each other. "Tu a peur que en arrivant je soit près d'un autre noms soit en sur que toi seul est gravé dans mon cœur toi le père de notre enfant et t'oublier il faudrait alors je

¹⁴⁸ Michel Foucault, *Abnormal: Lectures at the Collège de France: 1974-1975* (New York; Picador, 2003), 9.

n'ai peut de cœur mais non tu ait le seul que j'ai aimer et toi seul que le seras jusque a la mort."¹⁴⁹ This is the first time that the reader of Delphine's case can suspect an ambiguous relationship between the couple. Why would he be afraid that she might find another man? Was their relationship not stable before she left on relegation? In any case, Delphine felt a deep attachment to this man, the father of her child, to whom she felt bound until death. Ironically, this much attachment was not normal in the letters that the *relégués* wrote to their spouses. A union until death was not an idea commonly expressed.

It is not until we read her evaluation that we find clues as to the ambiguity of their relationship and the mystery of her letter. Delphine, twenty-eight years old, was marked as single in her files; she had a two-year-old son. She sold baskets, and her parents were itinerant musicians. Delphine was probably not allowed to write to anyone other than an official husband, or else she considered her relationship with the father of her son a marriage, even if it was not official. But how did he feel about the union?

Delphine's partner, Pierre Reinhart, wrote to the Minister of the Colonies on November 26, 1903.

Je me permet de vous écrire pour vous rappeler le malheur qui est arriver à ma pauvre femme Delphine Weis... le malheur pour moi c'est que je suis rester seul en France avec mon pauvre enfant qui réclame sa mère nuits et jours... si c'était un effet de votre bonter de vouloir bien me venir en aide pour pouvoir aller la rejoindre si vous ne le faite pas pour moi M. le Ministre faite le pour mon enfant qui reste sur terre, à l'âge de 4 ans, seul

¹⁴⁹ Her spelling. ANOM H 877/WEIS, Delphine. Letter marked "St. Laurent le 26."

et sans mère. M. le Ministre je ne demande plus que d'aller la bas et me conduire comme un père en travaillant.¹⁵⁰

Pierre's letter is a prism for a number of governmental concerns. He agreed, in theory, to leave to the colonies and to work to support his family; he understood, furthermore, that this was his obligation as a father. But it is striking that in allowing Pierre to leave for the colonies, the authorities might have been thinking more about his son's fate, as he suggests they do. Pierre might have wanted the authorities to take pity on a semi-abandoned child; the Minister had in mind an entire group of abandoned children, of redeemable mothers. Both of them represented groups that greatly affected the Republic in the long term. Nonetheless, Pierre's letter is considerably well written, and it would not be uncommon if he had looked for advice as to the content of his letter before sending it to the Ministry; interceding for his son might have been an intentional trope. In any case, Pierre did see Delphine as his wife, the mother of his child, and, what is more, a necessary figure for their son. It is not until Pierre's next letter that we find out that they are not officially married.

A month after Pierre's first letter on record, a second one clarifies the nature of Pierre and Delphine's marriage. On December 1903, Pierre wrote that he could not produce a marriage certificate, because they were not officially married. He clarified that they were about to be married when "misfortune fell on them." Pierre promised the Minister, again, that they would get married as soon as he arrived in Guyana, if they allowed him to join her, he promised "...j'agirais comme un père car je ne peut pas rester sans elle en voyant que notre enfant demande nuits et jours après la mère." He ended his letter thanking the Minister for his expedited attention "parce que cela est bien dur de voir un enfant pleurer sa mère." It is very probable that

¹⁵⁰ SIC. ANOM H 877/WEIS, Delphine. Letter written on November 26, 1903.

the Ministry sent a letter certifying that they received his demand and that they would evaluate the situation within the next weeks. Impatient and nervous, Pierre wrote to clarify whether the Minister's answer was positive or negative. He concludes for the third time "je vous promets aussitôt rendu auprès de ma femme de me mariér et travaillé comme un père doit le faire pour élevé sa famille."¹⁵¹ The Ministry answered that they had to await the approval of the Governor. Pierre insisted once more on the urgency of his leaving for the colony and on his will to become the provider of the family "as an honest man must do," and he reminded them about his son who might die of sadness if not reunited with his mother again. He concluded "si je suis obliger de rester en France je préférerais me donner la mort à moi et à mon enfant que de vivre séparer de ma femme et mon enfant séparer de sa mère."¹⁵² It is very unlikely that Pierre was finally allowed to rejoin Delphine because of this final threat to kill himself and his son – he would sooner be accused of being unfit to take care of the child. Finally, in March 1904, the Governor replied that Delphine did not have any significant infractions; she was willing to marry Pierre when he arrived, and she was being prepared to enter individual relegation.

Delphine and Pierre, as opposed to Joséphine and her concubine, had a child to sustain their claim of a marriage, but not much else. They had their letters assuring that they loved their partners, but no marriage certificate. Their union, however, came to be acknowledged as a marriage *de facto*, not only in their letters, but in the official correspondence, as well. Furthermore, the insistence on the legality of the marriage came as a consequence of France's social policy: it was better to have a bad marriage than to cohabitate. Pierre and Delphine, as they suggest in their letters, were not even French citizens; their families lived on the road, and they had little to sustain themselves. We might wonder if their marriage was allowed as a way to

¹⁵¹ ANOM H 877/WEIS, Delphine. Letter written on December 29, 1903.

¹⁵² ANOM H 877/WEIS, Delphine. Letter written on January, 1904.

rid the country of such unstable elements, or out a genuine belief in a redeemable situation, as well as in their child's need of a nuclear family. Delphine's individual relegation was fast approved. I suspect that this was not only due to her good behavior, and a partner willing to marry, but also because her morality was less affected by her living situation than Joséphine's, for example. Unlike Joséphine, Delphine practically had an entire family already, and it was only a matter of reuniting them. Joséphine, on the other hand, had an unlawful marriage and no children to concretize the union. The conception of concubinage, however, was changing during these very same years, and the rules for marriage and concubinage were becoming very similar regarding paternity rights.¹⁵³

Pierre and Delphine adopt a similar rethoric regarding faithfulness and honesty in their union. The only reference to any infidelity in Delphine's file, however, is in her own letter. While the government pushed towards a legal marriage, and Pierre affirms in his letter that he is an "honest man" to persuade his readers, this does not necessarily mean that he really thought that marriage was a natural conclusion. After all, they had postponed marriage during years even when they already had a child. There are no records elsewhere of how long they had been together before this; the only certain date is their son's age, as he was 30 months old when Joséphine was sent to the colonies after spending six months in prison. Delphine and Pierre could have decided to live

¹⁵³ Fuchs explains that: "Lawyers argued that when the friends and families of the couple knew of and accepted their liaison, the fidelity of the woman seemed probable. Many legislators called for the same rule for proof of paternity in concubinage notoire as in marriage. The married woman was presumed faithful, several reformers declared, unless proven otherwise, the woman living in concubinage was presumed unfaithful. It was time, they said, to end the contradiction and presume that a woman living in concubinage was as faithful as a legally married wife. It seemed logical that if concubinage resembled marriage, and a married man who divorced had to pay child support, then a man who left his partner should also have to pay child support. The debate, however, was less about logical assumptions about the fidelity of women living in concubinage than it was about women's sexuality, which legislators equated with moral and social disorderliness." Fuchs, *Contested Paternity*, 138.

together rather than to marry for two reasons: economic hardship or as a voluntarily adopted lifestyle. An obligation to marry once he arrived in the colonies was another way to underline the gap between the government and individuals; in Guiana, marriage responded to the economic imperative of the colony, while in France their cohabitation was frowned upon, but tolerated.¹⁵⁴

There are no more records on this case in the archives, so it is hard to trace what happened to this family afterwards. Delphine was on track to obtain individual relegation because she had good recommendations from her supervisors in the colonies. But that is all there is to read about her life in the penal colonies. Delphine and Pierre are yet another example of families who were forced to adapt under relegation. According to the files, they were not even French citizens *de souche*, but living in France made them subject to its laws, and of course, to the punishment for not following them. They were itinerant merchants of foreign origin, but they were treated as French residents by default when they committed criminal actions. Their letters reveal adopted discursive practices both when addressing each other and when they wrote directly to the authorities. Even though they did not envision marriage as the government imposed, they had to adopt the concept in order to maintain a regular communication and to reunite as a family in the colonies. The authorities allowed their reunion, whether they believed in their sincerity or not. We cannot rule out that as part of a migrant population, they represented for the government less of a problem together in the penal colonies than in France. The penal directors could have hardly had any doubt left about Pierre's devotion following his desperate and threatening letter. Despite a number of confusing decisions, we must consider that if their marriage was not exactly what an

¹⁵⁴ Fuchs explains of the gap between private practices and state policies: "How people lived their intimate lives was too important to be dominated by the political discourse, the law and the courts. The rhetoric of the ideal conjugal family did not resonate with behavior, as men and women formed families through concubinage, had short-term love and sexual relationships, and sought legal redress for relationships gone awry."

idealized bourgeois marriage represented, they carried it through and created a “normative” nuclear family where there was previously none.

Conclusion

Relegation carries in its very meaning the intention to shun, a project to separate and hide from the law-abiding citizens an unruly population that was thought to be growing and contaminating the rest. With the enactment of the law, public opinion was appeased, but the relegated individuals were still present for the French and colonial penal administrations. The process of relegation did not help with the family unit in the long run as was intended. Instead it distanced and broke down functioning family units. Those who still had a family had to pass through an excruciating evaluation and waiting period before assuaging their circumstances. Even though the advancement of the colony through agriculture was a desired consequence of penal colonization, the colonial and penal administrators did not share the same views as lawmakers in France. For the colonial administrators, problems obtaining and maintaining concessions were directly linked to the *relégués*’ discipline. But it was also true that the land did not allow for a profitable agricultural market and that the local population was against the spread of the penal population in other cities. Despite the *relégués*’ personal drive, they had to first overcome soil aridity, saturation of plots, and utter poverty in order to maintain their families along with a profitable agricultural or commercial concession.

Family life and family formation in the penal colonies remains greatly unexplored. In this particular case of exile, as Miranda Spieler discusses in *Empire and Underworld*: “[t]he instruments of social history do not work for people who are not members of society. Most felons did not live in civilian areas and could not marry, exercise property rights, or even sign

legal documents. They were not the clientage of a notary.”¹⁵⁵ Though Spieler refers to freed slaves and convicts during an earlier stage of transportation, it is similarly difficult to trace the family life of the *relégués*, who shared the territory and the experience; their private trajectory seems to stop upon sentencing. Yet these cases prove that there were families for whom imprisonment, supervision, relegation, and exile were a constant. Certainly, their private stories cannot be traced through normal means; nevertheless, the letters they wrote and received from prison and the penal colonies reveal that there is more below the surface. These documents reveal recidivists and families who were willing to make sacrifices to remain close to their spouses and children. They remained vigilant of their children, even from a prison afar. They maintained their personal relations as tightly as they could, and as much as the penal administration allowed them, while writing only a few times each month, at the most.

There was an effort to maintain a family. This should come as no surprise considering that the recidivists’ crimes usually consisted of long lists of vagrancy accounts or petty thefts of candle wax, bread, or 3F. Recidivism was tightly linked to destitution; the recidivists’ personal capacity to have a family was not. In fact, most cases of theft were of small artifacts or food to feed a family. The sentimental amalgam the recidivists sometimes display in their letters is not necessarily a sign of insincerity or confusion on their part as to how their families were constituted, but of unclear or conflicting directives from the penal administration in France and in the colonies. They could write, but their letters had to follow the legal and moral parameters that the prison directors considered acceptable. Consequently, the *relégués* found themselves jumping through bureaucratic and conceptual hoops to achieve some kind of communication with their relatives.

¹⁵⁵ Miranda Spieler, *Empire and Underworld: Captivity in French Guiana* (Cambridge: Harvard, 2012), 5.

In the penal colonies, the predominant model of the nuclear family was not only exported but also imposed. The greater problem was that this socially unadapted model was transplanted to the colonies; even worse was that it was being implemented among a population that was deemed unfit even before leaving France. In the case of the *relégués*, the negotiation to marry had more to do with obtaining their liberty from collective relegation, or reestablishing their parental and conjugal bonds. The *relégués* had no other way of (re)constituting their families if not through bureaucracy; their familial compositions were supervised and authorized by the Conseil Privé and the Ministry of the Colonies. They had no option but to arrange their families according to what the law prescribed, but this did not mean that they adopted the reconfiguration in an unequivocal way.

Both the French and colonial penal administrations chose to ignore the proof of character, and especially of affection, that these cases provide. In France, it was inconceivable for deviants to possess some sort of normative family life; their propensity to crime was proof enough that they lacked all other social skills. In the penal colonies, it was preferable to have individuals in charge under collective relegation rather than families dedicated to farming. Of course, this could not be the official rhetoric because it went blatantly against the theoretical purpose of relegation. The Penal Administration drew laws on the inheritance of concessions but obliterated the fact that the great majority of concession holders were incapable of having children or even of sustaining themselves, as was the case of Anthelme Jacquet. In theory, lawmakers left the door open for the reunion of families and the creation of new ones, but this was mostly a symbolic action.

Finally, in 1907 France stopped sending women to the penal colonies altogether. This decision is a much more logical consequence of policies that paid greater attention to the family

and children than relegation ever had. Rather than exiling recidivists, keeping women in the metropole is more consequential regarding repopulation. Perhaps, this was a recognition of the failure that penal colonization had been. The law of 1907 prohibiting the relegation of women is also a clearer sign of changing parenting rights for women in France, and even a step towards the future law of 1912 regarding their right to *recherche de paternité*.

The *relégués* demonstrate a deeper understanding of the inner mechanics of bureaucracy and the generally expected moral code, even beyond what the authorities might have guessed. Furthermore, they were able to mobilize their family networks and work their way through the system's intricate path out of collective relegation. Despite reclusion and exile, these *relégués* endeavored to rekindle bonds, reunite, and participate in the care of their children. Their families did not always correspond to the bourgeois ideal of the family, but their efforts to keep their families intact were no less for that fact.

Chapter 3: Inscribing Relegation into Labor History

In less than ten years, Auguste Machin escaped twelve times from the relegation prisons and detention camps in French Guiana before the penal authorities lost track of him permanently. The fourth time he managed to escape, the Dutch police of neighboring Surinam surrendered him to the French colonial authorities. During the interrogation that followed the capture, a standard police procedure, Machin replied that he escaped because “he was in prison previously and he was not well there.”¹⁵⁶ While the penal authorities failed to see the humor in Machin’s blasé retort, and punished him with an even more severe prison sentence, Machin’s defiant reply was not far from the truth. In fact, behind his brazen answer lies much of the hidden nature of the 1885 regimen of relegation and its dysfunctional implementation. August Machin probably knew very little of the penal code that sentenced him to exile while he was only twenty-one years old, but he got one thing right: legally, the *relégués* did not belong in detention camps and prisons.

The irony in Machin’s case study hides behind two important points of relegation that we must understand before any discussion of this particular penal system at the colonies. First, relegation following the 1885 law did not have the same purpose as relegation under *doublage*. The doubling of a sentence, or *doublage*, was a supplementary punishment imposed on the hard-labor convicts (*transportés*), according to which they had to remain within the penal territory even after they finished the customary eight-year sentence to hard labor. *Doublage* became similar to parole at the penal territory, and it concerned the *transportés* who had passed to the fourth category of transportation, that is, life outside the work camps.¹⁵⁷ Different from this, relegation was a sentence to free life at the penal colonies, and it had its own group of affected

¹⁵⁶ ANOM H 3586/b Machin, Auguste Félix. “Parce que j’étais pas bien.”

¹⁵⁷ Transportation was divided into four categories, which each had further divisions. They varied according the intensity of the labor and the years the *transportés* had spent at the colony.

prisoners, the *relégués*. Through agricultural labor, relegation meant to correct the criminal tendencies of the exiled repeat offenders. Thus, relegation was a work sentence; *doublage*, on the one hand, was a supplementary punishment with no rehabilitation purpose. Second, relegation was designed as a regimen through which the *relégués* would mainly be trained to become farmers or small business owners. Transformed into concession holders, the *relégués* were supposed to work tirelessly and remain in the colonies – specifically, within the penal territory of New Caledonia and French Guiana. None of these provisions were followed, however. The intentions of the law were clear, but the application was defective.

Hard labor, administrative abuse in the penal colonies, and the *bagnards*' legal limbo are topics that have enjoyed a fair amount of attention in current scholarship.¹⁵⁸ Deportation, relegation, and transportation to the penal colonies have usually been studied solely as a form of punishment, and, for the most part, they have remained the province of postcolonial history.¹⁵⁹ I contend that we must expand our view of these regimens beyond the penal scope, in order to view them as a chapter in labor history. After all, these convicts were being punished and excluded from their home country, but in carrying out such sentences France also made them workers in the colonial enterprise. At the basis of the law, the *relégués* had a different role in colonization from the *transportés* because they were supposed to own farms and create new families, whereas the *transportés* were primarily sentenced to seclusion. This condition as exiled laborers was not something the *relégués* ignored, either. Aware that they were not sentenced to prison, in theory, they organized labor unions and confronted the administration through unofficial labor organizations. Surprisingly, despite their precarious living conditions and

¹⁵⁸ See Jean-Lucien Sanchez (*À Perpétuité*), Miranda Spieler (*Empire and Underworld*), and Dominique Kalifa (*Biribi*).

¹⁵⁹ See Stephen Toth's *Beyond Papillon* and Peter Zinoman's *The Colonial Bastille*.

imprisonment, *relégué* society actually managed to organize itself into an active and vocal labor society that, without rejecting the need for supervision, claimed its rights to a free life and labor.

Even though the 1885 law was rarely followed to the letter, I argue that we must take the relegation law at face value, as an overseas work provision with the purpose of rehabilitation via vocational training. Understanding the disconnect between the work-based utopia that the law prescribed and the labor practices that were truly enacted in the colonies clarifies the real shortcomings of the relegation system. Relegation demanded a body of supervisors, vocational training, and economic resources that were simply unavailable in the colonies where the punishment was carried out. Given this lack of resources and the unwillingness of the colonial guards to carry out a less severe regimen, relegation ended up as a prison regimen. Following this scenario, the *relégués* opted for rehabilitation through labor and work opportunities on their own. They procured jobs for themselves, often by defying colonial authorities and escaping from penal territory. Paradoxically, they cheated the system in order to obtain honest work in the way that the 1885 law prescribed. During their escape to other South American countries, these *relégués* became industrious migrant workers, proving that they could in fact lead a life of hard work, and that it was rather the French penal system that was flawed.

Because the *relégués* escaped or incurred in other misdemeanors to obtain work, using labor history as the primary lens for this chapter enables one to better study their actions free of moralistic judgments. I wish to avoid a consideration of the *relégués*' morals in order to see the ingenuity of their search for free labor and rehabilitation. The colonial administrators and the legislators who wrote the Law of Relegation were trapped in this loop of logic because they could not separate the *relégués* from their punishment. Even though the penal administrators knew that relegation did not function properly, they tossed aside the problems because they

believed that repeat offenders did not deserve a better treatment. Still today, ignoring a defective regimen in view of what we can esteem a “deserved punishment” might yield an incomplete and anachronistic historical account. The question posed in this chapter, then, is not whether the *relégués* deserved to work in exile or not, but rather how the *relégués* obtained the work conditions that they were originally assigned through the Law of Relegation and subsequently denied upon arrival at the penal colonies.

Disentangling the *relégués* labor mission from that of the *transportés* is the first step to apprehending the almost literary *pathos* of the formers’ colonial life. Auguste Machin’s claim to liberty was that of a worker wrongfully held in prison, not of a regular convict escapee. The case of colonial labor under relegation, a work sentence assigned to repeat offenders in turn-of-the-century France, helps clarify misconceptions over the treatment of recidivism that still exist today.

In this chapter, I engage with other historians of labor in the French colonies. I rely particularly on the texts written by Babacar Fall and Frederick Cooper on labor in French West Africa. In order to compare the *relégués* to the migrant laborers outside of the French territories, I referred particularly to David Northrup’s book, *Indentured Labor in the Age of Imperialism*. My analysis of the *relégués* in this chapter offers a new view on the population in that I present the group as workers, and relegation as a labor provision instead of a punishment.

Relegation: a colonial work provision

Mostly overlooked until recently, relegation was a third type of transportation system. The transportation of convicts (*transportés*) and of political dissidents (*déportés*) had been an ongoing if intermittent practice since the French Revolution. The *relégués* were repeat offenders who were exiled following a three-strike rule. French legislators enacted the relegation law on

May 27, 1885, and the first convoy of recidivists arrived the next year. The political argument justifying the relegation law was that the increasing recidivist population was contaminating the rest of the country and that no other punishment could have a positive impact.¹⁶⁰ Politicians and newspaper columnists claimed that these criminals' deviancy had solidified by dint of repetition. Thus, the idea that a petty criminal could be "incorrigible" gained ground, and legislators proposed banishment as the solution.

By relegating repeat offenders overseas, French legislators sought to establish a useful work regimen that would also further the empire's enterprise through an organization similar to settler colonies. The former criminals were meant to work the land and start new families dedicated to agriculture in previously unexploited territory. Their hard work, in turn, was intended to rehabilitate them by further separating them from their previous life of debauchery and idleness. Relegation was put into place, but the law's driving principles were never practiced, nor were its goals achieved. The *relégués* never became a useful taskforce for the colony, nor were they able to form families. As I explain later in this chapter, the administrators and guards' management style clashed with the 1885 law's provisions and with the suggestions that the colonial inspectors proposed. Lack of resources, poor choice of agricultural techniques, and an untrained workforce halted further the advantages that relegation labor could have represented for the colonies. The stories of rehabilitation among the *relégués* are even scarcer.

Conceived under the Third Republic, relegation was only possible because France was an empire. French Guiana and New Caledonia, the territories chosen for these prisons, remained

¹⁶⁰ The increase in repeat offenses made news following the 1880 publication of the *Compte général de l'administration de la justice*, which tabulated a rise in petty crime (vagrancy, theft, fraud...) See Martine Kaluszynski, "Le criminel à la fin du XIXème siècle. Autour du récidiviste et de la loi du 27 mai 1885. Le paradoxe républicain de l'exclusion" in *Les Exclus en Europe*, dir. A. Gueslin and D. Kalifa (Paris : Editions de l'Atelier, 1999).

largely unexploited. As I explain extensively in Chapter 4, Guiana was the site of previous attempts at agricultural colonization that failed when tropical illnesses decimated the settler population. New Caledonia became a site of colonial prisons later in the nineteenth century. Its location made it the French Australia, and the land seemed promising for agriculture as well. Both territories seemed fit to cultivate, although they would require hard work in order to tame the land. Dedicated to this task, the offenders could lead a life similar to that of peasants in rural France. They would lead a harsher life than their fellow countrymen, certainly, but aside from the change of climate, life as a *relégué* was not meant to be unbearable. In fact, a similar regimen to relegation was already practiced among *transportés* who had the sentence of *doublage*, and among prisoners from the Antilles, known as *reclusionnaires*.¹⁶¹ Relegation forced both groups, *relégués* and the *transportés* of the 4th category, to remain in the penal territory, but it allowed them to roam around, work on their agricultural or business concession, and tend to their families. In view of the *transportés* of the 4th category and the individual *relégués*, the term relegation held a wider acceptation as exile. It was a milder punishment since it only required them to remain in (certain areas of) the colony, but unlike hard labor it did not impose fixed work quotas.

Whether we interpret the law at face value or as it was actually applied, relegation remained a regimen of work for all *relégués*. Even though the Relegation Law worked at two speeds, theory and practice, harsh labor remained a constant, though the reasons for this varied. According to the law's provision, the recidivists would rehabilitate through agricultural labor, while, in practice, the *relégués* were forced to accomplish tasks associated with forced labor

¹⁶¹ In the case of Antillean recidivists, they were sent to French Guiana because there were no prisons in the Antilles to hold them. This measure preceded relegation by a few years. See Odile Krakovitch, "Les Antillais et les bagnes de Cayenne: Nouvelle approche de la répression dans les Caraïbes" *Revue historique* 284, 89-100.

convicts and not so much with land concessions. A third labor category were the *relégués* who escaped and went to neighboring South American countries in order to work. Still, none escaped hard work.

The type of work to be done at the penal colonies was sorted in metropolitan France, following the warden and the prosecutor's advice. These two groups of evaluators, however, categorized the majority of the *relégables* as incorrigible or undisciplined, and as a consequence, most *relégables* became *relégués collectifs*, assigned to hard labor. An almost negligible group arrived in French Guiana and New Caledonia as *relégués individuels*, and they were assigned land plots outside of the camps to cultivate on their own. Under individual relegation, the exiled worked freely as long as they remained in the penal territory, yet they were continuously supervised. In this way, they constituted a (coerced) migrant workforce. Under collective relegation, they became indentured workers in exile. If the *relégués* had no useful knowledge of agriculture or business, the penal administration was supposed to provide training. According to the law, the *bagne* administration had to build training facilities, where the *relégués* would live under the collective relegation situation until they were fit to tend their own plot.

The *relégués* behaved more as workers than as convicts, even though for lack of a better organization the penal administration could not grant them their due freedom of movement and labor. Despite the virtual resemblance between the regimens put into practice, the *relégués* vindicated their original right to property and work at a concession as established by law. Because the penal administration deemed this demand outrageous given its budgetary constraints, the *relégués* asked for a lessening of their work quotas and tasks, which would distinguish their labor from that of the *transportés*. For instance, they refused to live in collective camps that served as prisons instead of in individual huts; they refused to wear the

same uniform as the *transportés*; and they demanded to be assigned tasks distinct from the forced labor convicts. The *transportés* also had strikes, but the *relégués*' demonstrations were different in that they asked for better working conditions and to work in greater liberty, not just protesting against the guards' brutality, as did the forced labor convicts.¹⁶²

Incipient, weak, and rapidly placated, the *relégués*' strikes did not compare to strikes in the metropole, but they do suggest a greater worker consciousness among the *relégués* than expected. The *relégués*' demands for better labor conditions arrived late in the history of the regimen. They organized strikes inside the camps when conditions became unbearable. These events were very rare, and mutiny in the penal colonies was immediately subdued. In French Guiana, in a strike at the camp of St. Jean in 1912, the inmates protested against the brutality of the guards. The penal administration did not dwell long on the subject, even though the strike is said to have lasted 21 days.¹⁶³ Still, in French Guiana, an even greater strike broke out in the 1930s. The inmates asked for better pay, different uniforms from the *transportés*, shoes to wear while doing agricultural chores, and fewer restrictions on selling their merchandise outside the camps, among other demands. The penal administration tried dialogue at first, but after a while, it brought infantrymen to deal with the situation. None of the demands were met except for one: a slight salary augmentation.¹⁶⁴ Less effective and common than strikes in the industrial sector, these manifestations nonetheless remained a last resource when labor conditions in the collective

¹⁶² In fact, similar to the *relégués* strikes were the port workers' group. This group of freed convicts working at the port of Maroni in French Guiana also had a labor organization with limited powers, as had the *relégués* in the collective camps. See ANOM H 1477 FIOLET, Pierre Joseph Henri. Letter from August 26, 1920 from the Freed workers to the Minister of the Colonies.

¹⁶³ ANOM H 1863. Au sujet d'une grève de relégués à St. Jean du Maroni. Le Chef des Services Penitentiaries, P. Nicolas, au Gouverneur de la Guyane. à M. Albert Grodet, 7 février 1912. Député de la Guyane.

¹⁶⁴ See Sanchez, *A Perpétuité*, 59.

camps became unbearable, and are one example of how the *relégués* saw themselves as a colonial workforce. Given the violence with which these manifestations were met, more often they used other methods such as refusing to work, verbal and written complaints, and escape. These other techniques for obtaining better working conditions also did not require the consensus that strikes did and were, therefore, easier to achieve.

Even though the ideal was to allow the *relégués* to work freely, the penal administration ended up restricting them to detention camps because it lacked the resources to assign a plot of land to each *relégué*. Life in prison greatly limited the mobility of the *relégués*, of course, but they were able to fight to secure the most basic working rights and living conditions. These rare events at the St. Jean camp illustrate how a *relégué* working group consciousness was achieved that was distinct from the identity of transportation labor and developed despite the limitations that a strong surveillance entailed.

Relégués at work

How did a relegation camp function, and where did the *relégués* work? The main camp for *relégués* was in the town of St. Jean, south of St. Laurent, where the transportation camps were located. Both cities were part of the penal territory developed along the Maroni riverbank. St. Jean was chosen to be away from St. Laurent so as not to mix the prisoner populations. The greater penal territory consisted of the collective camps, special division camps, a small island on the river for convicts with leprosy, camps for the handicapped and the aged, a camp run by nuns for women *relégués*, and the prison of St. Louis, which served the penal territory.

When the first convoy of *relégués* arrived at French Guiana in 1886, the camps were not finished, and the convicts were set to the task of building their own quarters. Throughout most of relegation's history, the inmates worked as lumberjacks in the neighboring forests. The wood

that these task forces gathered was then distributed throughout the penal territory. Prisoners worked maintaining the camps, which were mainly made of wood, clay, and thatched roofs, and therefore required constant reconstruction. Humidity caused the walls and ceilings to rot, while constant floods threatened edifices that were not on stilts. Relegation camps were also assigned the construction of a railroad that connected St. Jean to St. Laurent. Most of the *relégué* workforce, then, was dedicated to construction and wood chopping.

However, the inmates could be given other jobs in reward for good behavior. These other tasks were sometimes similar to their own trade previous to incarceration. These positions covered the basic services needed around the camps: food, health services, and surveillance. Every camp had *relégués* in charge of cooking and baking bread. Regardless of the bareness of the surroundings, these positions away from the tropical sun and the jungle were highly coveted.

The *relégués* also cultivated vegetables and therefore supplied food for the camps. The bulk of the provisions that the inmates consumed was imported from France and neighboring French colonies (e.g., flour, coffee, tafia). The inmates planted other tropical produce such as manioc and, at times, raised cattle. Nevertheless, the efforts to produce enough food to secure the camps' own intakes were insufficient, and the climate made it difficult to raise farm animals and to cultivate. Special camps like *La Forestière* opened with the initial intent of becoming agricultural laboratories, but they failed a few years after opening, and instead became disciplinary camps for the most difficult inmates.

No one was exempt from working. The women manufactured the camps' uniforms, shoes, and hammocks, while the handicapped and old were in charge of the straw hats. Even the lepers in the îlot St. Louis assembled small boats from scraps and ran a black market for escapees.¹⁶⁵

¹⁶⁵ Albert Londres and Henri Charrière reference the boats the lepers manufactured.

(Of course, manufacturing escape boats was not a task imposed by the penal administration.) Exceptionally, at St. Jean, the men were allowed time in the afternoon to work on a trade of their own or to make small artifacts that they then sold to the guards for pocket money or exchanged goods.¹⁶⁶ There were also disciplinary camps, where the workload was doubled, and the working conditions were even more adverse than at St. Jean.¹⁶⁷ Particularly in *Camp du Tigre* and *La Forestière*, the daily wood chopping ratios per man were impossible to achieve. In camps like *Tollinche*, the *relégués* worked barefoot while cutting trees in the tropical jungle, which often led to serious work injuries as well as lethal infections.¹⁶⁸

¹⁶⁶ The website Criminocorpus has a virtual exhibition, for instance, of crafts that the *bagnards* manufactured during their free time. The project is titled 'Les artistes du bagne: Les chefs-d'oeuvre de la débrouille, 1748-1943.' As the artifacts illustrate, the prisoners used all objects available (e.g., bones, seashells, stones, wood) to sculpt, draw, or carve small trinkets. The exhibition's permanent URL is: <https://criminocorpus.org/fr/musee/les-artistes-du-bagne/> Both Toth and Sanchez mention an underground market as well as an open sale of the artifacts that the *bagnards* manufactured.

¹⁶⁷ For more on the divisions and evolution of the relegation camps see: Jean-Lucien Sanchez. "*Les camps annexes de la relegation*" and my own paper presentation "Aménager le territoire pénitentiaire du Maroni: l'exemple de la relegation" a presentation on the disciplinary and special division camps of relegation during the SFHS 2013 annual conference.

¹⁶⁸ Explaining the task of the Camp du Tigre, Sanchez explains in "*Les camps annexes de la relegation*": Il s'agit du travail dit à la « stère » car le camp du Tigre sert essentiellement à la fourniture du bois de chauffage aux camps de Saint-Laurent et de Saint-Jean et le bois ainsi produit se débite par stère. Un stère de bois équivaut à un mètre cube, c'est-à-dire un ensemble d'un mètre de long et d'un mètre de côté. Chaque relégué a ainsi l'obligation de s'acquitter d'un stère quotidien. Il s'agit d'un travail très difficile car les essences de bois exploitées pour composer ces stères sont particulièrement dures. Ainsi l'abattage mais surtout le débitage en bûches nécessitent des efforts de la part du relégué qui doit de plus travailler sous la pluie pendant près de six mois de l'année. ... Le camp du Tigre est « surtout un chantier forestier » où les relégués ne parviennent pas à répondre à l'exigence d'un stère de bois quotidien. L'inspecteur des colonies Berruë qui visite le camp fin novembre 1918 affirme qu'un relégué ne fournit effectivement pas plus d'une stère tous les deux jours et demi. De juillet à octobre 1917, le camp fournit 2 431 stères de bois pour environ 5 000 journées de travail, soit un rendement réel d'une stère par relégué toutes les deux journées et demie. (Page 43)

Earlier in the article, Sanchez explains a similar situation at the camp Tollinche: En 1917, le camp compte 107 relégués et environ 10 % de l'effectif est constitué de punis. Pour obtenir leur ration normale, ces punis sont tenus d'effectuer une double tâche à l'extérieur ce qui est totalement défendu par les articles 3 et 6 du décret du 11 juillet 1887. Les locaux disciplinaires

For the *relégués*, as laborers, their salary played a key role in their future at the colonies and the income's management a great stake for the penal administration. The small income the inmates earned was put into a savings account meant to cover the initial costs of individual relegation. During the first years, however, the money was used to pay for the individual's trial expenses. After these charges were covered, the *relégués* could start saving money until they had gathered enough to live independently. Saving money with a relegation salary was no small task. The required minimum balance prior to the demand was 500 F, and the workers made around 10 sous per day (i.e., around half a franc.) Even with a long record of good behavior and great recommendations from their supervisors, it took between six to nine years to be able to afford to leave the collective camps. Access to savings also remained an uncertain outcome, because the guards, who were accustomed to disciplining the *transportés* and had great disciplinary problems among themselves, punished disobedience excessively, and misconduct could add several years to a sentence as well as extra judicial expenses.¹⁶⁹ A sly remark, an ill-advised opinion, or a complaint letter could all lead to a day without meals or a few days in solitary confinement. Thus, in practice the *relégués* were held under a carceral code, and giving proof of diligence at work and of sound financial discipline was not enough to secure their liberty. On the contrary, when the administrators wanted to limit the number of individual relegation grants, their small

sont « infectes »: les hommes y sont « entassés dans un réduit étroit, obscur, empoisonné par les émanations des baquets qu'on laisse soigneusement découverts. » Les relégués du camp de Tollinche sont couverts de loques suffisant à peine à les couvrir. Ils sont obligés de travailler pieds nus dans la brousse ce qui les expose tous à des blessures assez graves. Comme à « La Forestière », de vieux relégués ne peuvent plus fournir le « dur » travail que leur impose néanmoins le chef de camp. (Page 19)

¹⁶⁹ Stephen Toth wrote an article on the disciplinary problems among the guards assigned to the *bagne*. In "The Lords of Discipline: The Penal Colony Guards of New Caledonia and Guyana," Toth explains how the guards themselves had problems of prostitution, corruption, and alcoholism and faced discrimination from their colleagues' who considered the *bagne* to be one of the worst assignments in the colonies. See Stephen Toth, "The Lords of Discipline: The Penal Colony Guards of New Caledonia and Guyana," in *Crime, History and Societies* 7.2 (2003).

salary was used as a last resort to maintain the *relégués* hostage. In his 1909 inspection, inspector Norès notes and criticizes this vicious cycle by which the *relégués* earn too little to afford to leave the collective camps, and the authorities curtailed the *relégués*' salary as much as they could to slow the pace at which concessions were granted.¹⁷⁰ In theory, the more difficult Camp du Tigre offered a greater salary, which was designed to motivate the *relégués* who worked at this camp to speed up their acquisition of individual relegation. In practice, the camp became another disciplinary camp where the headstrong *relégués* were sent to work, and their labor became more a punishment than an economic incentive.

The hard labor regimens and disciplinary codes that shaped the actual practice of relegation were far from the horizon of farm labor that the law had drawn in 1885. The *relégués* became frustrated with the administration, and understandably so; they realized that most paths out of a life of imprisonment were blocked. Even though they had committed crimes that deserved no more than two or three years of prison in France, this group of recidivists now faced a lifetime of prison in the colonies. Resigned to their lot, their work became an empty gesture and not a means to rehabilitation; the *relégués* worked at the camps more to avoid the guards' violent punishments and less to obtain a concession. The *relégués collectifs* feigned alacrity at work until they could fake an illness that would guarantee rest while hospitalized or until they could escape. In view of such prospects, Machin's cynical response after recapture becomes understandable.

From the city to the farm

The *relégués* were a mainly urban population with a working-class background that was forced to migrate in order to populate and develop the colonies. The law was created to furnish

¹⁷⁰ ANOM H 1864. L'inspecteur de la première classe des colonies Norès en mission à la Guyane Française à Monsieur le Ministre des Colonies. Cayenne, le 13 mai 1909.

developing colonies with manpower, but this particular group of “settlers” was poorly selected for this purpose. Recently, scholars have argued that reinstating these men and women as agricultural laborers was not the true aim of the law.¹⁷¹ This is true for the men, who were in general unemployed, petty thieves, or vagrants, and for the women, whose age mattered more than their criminal records in order to incentivize marriages with freed convicts.¹⁷² Thus, France was falsely concentrating its effort to lower recidivism in the mainland while populating the penal colonies with a group that was unable to achieve the agricultural colonization task assigned to relegation.

This disparity between the *relégués*’ mostly urban backgrounds and their labor in the colonies did not go unnoticed at the time, but it remained an unattended problem. One of the inspection missions dedicated to relegation made this point very clearly. In 1909, the Ministry of the Colonies sent investigator Norès to analyze the individual and collective relegation systems separately, and he explained how the division of the collective relegation camps was ineffective.¹⁷³ There were no camps for the most unruly penal population (*fortes têtes*) as the law required, and the camp where they should have been assigned (*Camp du Tigre*) was not accomplishing its purpose as a vocational training facility.¹⁷⁴ Furthermore, Norès observed that

¹⁷¹ See Sanchez, *A Perpétuité*, Krakovitch, “Les Antillais et les bagnes de Cayenne”, and Toth, “The Desire to Deport: The Recidivists of Fin-de-siècle France” in *Beyond Papillon*.

¹⁷² See Sanchez, *A Perpétuité*, Krakovitch, “Les Antillais et les bagnes de Cayenne”, Nicholas & Shergold. Deborah Oxley’s chapter on “Female Convicts” in *Convict Workers* makes a similar claim to Krakovitch’s regarding the female convicts sent to New South Wales. Both historians argue that female convicts were not professional prostitutes, nor part of a professional criminal class, as the prosecutors claimed, but necessarily condemned to exile because the penal colonies of both the British and the French empires needed an incoming criminal female population to ensure marriages among (freed) convicts.

¹⁷³ ANOM H 1864. L’inspecteur de la première classe des colonies Norès en mission à la Guyane Française à Monsieur le Ministre des Colonies. Cayenne, May 13, 1909.

¹⁷⁴ Camp du Tigre had one of the *sections mobiles*, or workforces. These workforces were originally meant to encourage the *relégués* to work their way up their classification and obtain

the authorities seemed uninterested in providing the necessary training for agricultural labor. The *relégués* were not prepared upon arrival in the colonies, as they should have been, because there were no apprenticeships for agricultural labor. The inspector suggested that, on the contrary, the prisoners were discouraged from obtaining any individual agricultural concessions. Norès added that he understood that most of the *relégués* came from urban centers, but he still found it preposterous that so few *relégués* were willing to work the land.¹⁷⁵ The *relégués* were, for the most part, kept in collective relegation camps, when these camps were initially intended for those who refused to learn a trade and should not have been the default regimen. Even if the *relégués* had worked as farmers in France, the agricultural methods required at the colonies were different; the rain seasons and the weather were far from resembling those in France, and the produce cultivated at the colonies was in great part tropical. Left to figure out farming and financial methods on their own, the *relégués*' transition from the urban center to the farm, from being repeat offenders to responsible farmers, was not well managed.

Forced Labor in the French Colonies and Relegation

The *relégués*' laborers, and, to a greater degree, those who were concession holders (*relégués individuels*), can be compared to other indentured workers across the French colonial world. Even though indentured labor in the case of relegation followed a court condemnation and not the signing of a work contract, the labor conditions and even the chronology of both relegation and indentured labor were comparable. In the French case, forced labor in the African colonies and relegation were abolished around the same time (i.e., the 1940s) for similar political and economic reasons.

individual relegation more easily. However, the most undisciplined prisoners arrived at the Camp du Tigre, and they were punished with excessively hard labor, instead of being rewarded.

¹⁷⁵ This comment was a sarcastic observation from Norès who was, in fact, blaming the penal administration for discouraging concession holding.

Indentured and convict labor were not rare in the early twentieth-century colonial world. In British and French Africa, forced labor served to bridge the economic gap after slave labor was abolished. The Brussels Conference Act of 1890 prohibited the international slave trade, but if the meeting in Brussels paved the way for new colonial dynamics, indentured labor acquired a different nuance and importance for the empires.¹⁷⁶ Following the international prohibition on slave trade and work, the colonial administrators disregarded a regimen of indentured labor functioning *de facto* as slavery because they were convinced that the indigenous population would not seek work on its own accord.¹⁷⁷ Employment became a social issue in that the new conditions for hiring forced the colonial administration to rethink manpower in connection with family arrangements, the single male population, migration patterns, and individual and cultural aptitudes toward labor.¹⁷⁸ Indentured labor succeeded slavery in both private and public enterprises.

The similarity between indentured laborers of colonial French Africa and the Antilles, and the *relégués* in Guiana and New Caledonia is multifaceted. Slavery had left a strong legacy to its successor forced labor, which was also exercised across continents. First of all, both regimens implied an obligation to work in the colonies. Although the practice spread throughout the world at the turn of the century, the French Antilles were one of the hubs of indentured laborers after the end of slavery. As Northrup details in his book *Indentured Labor in the Age of Imperialism*, India, China, and the continent of Africa provided the greatest number of migrant workers in the

¹⁷⁶ See Cooper "From Free Labor to Family Allowances" for more on the social changes, especially on African families and the states, following the labor paradigm change. Frederick Cooper, "From Free Labor to Family Allowances: Labor and African Society in Colonial Discourse," *American Ethnologist* 16 (1989), 745-765.

¹⁷⁷ See Cooper, "From Free Labor to Family Allowances" and Babacar Fall, *Le Travail Forcé En Afrique-Occidentale Française, 1900-1946* (Paris: Karthala, 1993).

¹⁷⁸ See Cooper, "From Free Labor."

Antilles and the American continent between 1838 and 1919.¹⁷⁹ Most of the workers who signed contracts to work in the sugar fields were not French or even European but Asian and African laborers who migrated and therefore shared a similar journey to the French *relégués*.¹⁸⁰ Once they arrived, labor conditions were also similar to those of the *relégués*, and though the indentured laborers had not been sentenced for any crimes, they still had to sign contracts that forced them to remain in exile for years on end.¹⁸¹

Forced labor during the imperial era was not only a phenomenon of migrants who traveled to America and the Pacific islands, it was also a local practice in Africa. African forced laborers, who were hired by private enterprises in their own countries, were employed similarly to the *relégués collectifs*, and their families were supervised as much as those of the *relégués individuels* back in Guiana and New Caledonia. Furthermore, both relegation and forced labor shared a common moral precept: those affected by the regimens had no intention to work on their own beyond a necessary minimum, and labor had to be forced upon them.¹⁸² In his book *Le travail forcé en Afrique-Occidentale française*, Babacar Fall explains how obligatory work became the default labor regimen. The author also explains how France evaded facing its responsibility within the international community and refused to abolish forced labor in its African colonies by engaging in a discourse about the “educational virtue of labor” while defending its “labor apostolate.”¹⁸³ Thus, in the case of relegation as of forced labor in French Africa, a universal maxim applied to local populations served greater economic purposes and

¹⁷⁹ See David Northrup, “Chapter 3: Supplies,” in *Indentured Labor in the Age of Imperialism, 1834-1922* (Cambridge: Cambridge University Press, 1995).

¹⁸⁰ See David Northrup, *Indentured Labor in the Age of Imperialism, 1834-1922*.

¹⁸¹ *Idem*.

¹⁸² See Cooper on the new ethnographic colonial African paradigm. On what was thought an indigenous indisposition to work see Fall.

¹⁸³ Fall, *Le travail forcé en Afrique-Occidentale française*, 13-18.

assured the development of the colonies through cheap labor. In both cases, the same moral imperative allowed the enslavement of impoverished petty criminals and a rural population at the service of the state and private enterprises.

Alongside migrant workers in colonial France, French Africa installed other forms of forced labor through the *Code de l'Indigénat*. For civilians it was *prestation*, and for those in the military it was the *deuxième portion du contingent militaire*.¹⁸⁴ Civilians working through *prestation* paid a special *indigénat* tax through their labor in road construction and other public works. In the case of the contingent, this group of soldiers were chosen at random and forced to work in the military for a shorter time than those conscripted under the *première portion*. Though if French Africa had the various forms of the *Code de l'Indigénat*, which established a difference between its inhabitants and subjugated the indigenous populations, metropolitan France had no such document allowing it to submit its own citizens to similar conditions. So relegation following a criminal conviction came to serve a similar function. Staunch criminals would be perceived as having been rightly stripped of their human rights, and the territories of French Guiana and New Caledonia, which remained arid and underdeveloped, would benefit from an incoming working and settler population. The *relégués*, in this way, were not directly compared to the colonial inhabitants, but the working conditions through forced labor assimilated both groups by proxy.

This approximation of French recidivists exiled and forced to work at the colonies with the local populations submitted to forced labor under the *Code de l'Indigénat* was not a practice limited to the French colonies. Forced labor was a widespread international practice legally tolerated until well into the twentieth century. Until the League of Nations intervened in the

¹⁸⁴ See Fall, *Le travail forcé en Afrique-Occidentale française*, chapters 5 and 6.

1920s, court-mandated forced labor was not subject to international regulations. While the League of Nations' Slavery Convention of 1926 and the International Labor Organization's (ILO) Forced Labor Convention of 1930 regulated both types of labor, convict forced labor remained unattended. The ILO's 1930's decision allowed for a five-year transitional period, during which all practices of slavery and forced labor should be put to an end. The legal regulation of indentured labor in the international arena, then, coincided with the end of the *bagnes*, which were also under greater scrutiny during the 1930s and was finally closed in the 1940s. However, that was only the legal decision, and it had limited concrete consequences; in reality, the *bagnes* and forced labor endured until well into the 1940s.

The arrival of the *Front populaire* signified a change of attitudes towards convicts and forced labor in the colonies. While in the case of the *bagnes*, the delay to abolish relegation had more to do with the consequences of the Second World War, in French Africa, it was the law Houaphouët-Boigny (1946) that finally put an end to the oppression. This law not only signified that France finally abided by international statutes, it was also a legal symbol of how the political situation of Africa itself was changing. Left-wing political parties and labor defense groups with strong national undertones were fast becoming part of the labor landscape in French Africa.¹⁸⁵ Following the dominant political ideology and the newfound economic interests in the French colonies, the administration could no longer openly support forced labor.

By bringing together international forced labor and indentured labor specifically in the French African colonies, I wish to inscribe the *relégués* well into the imperial context that greatly determined their labor conditions. In Chapter 4, I illustrate how imperial dynamics determined the legal and medical ideological prism by which the recidivists came to be judged. The same

¹⁸⁵ See Cooper, *Decolonization and African Society: The Labor Question in French and British Africa* (Cambridge, England: Cambridge University Press, 1996).

imperial politics that permeated into the medical and judicial fields also provided the working conditions for the *relégués* that the metropole exiled. In practice, deporting the recidivists as an agricultural workforce to French Guiana and New Caledonia shared greater similarities with international indentured labor practices than with white settler colonization efforts. In this sense, relegation became a laboratory for social and urban reforms that the Metropolitan administration later tried at home. The overarching similarities in the forced labor paradigm went well beyond the manual labor and agricultural needs of the colonies to become, in France as in the colonies, a moral necessity. As with the 1885 law, criminalizing and condemning vagrants to forced labor became a practice in French West Africa in 1923. The economic reasons were similar to those of the early 1880s:

L'adoption d'une législation draconienne réprimant le vagabondage sur toute l'AOF en 1923 est indicative de la volonté de l'Administration de ne pas être débordée dans les villes par les flux migratoires provenant de la campagne. L'expérience de la répression du vagabondage, qui frappait les paysans dépossédés de leurs terres et affluant vers les villes au tout début de l'essor du capitalisme en Europe occidentale, offre ici la recette. Déclenchée par l'économie de traite, la mobilité de la force de travail devient elle-même porteuse de dangers et de crises cycliques pour les structures urbaines en expansion. La répression préventive se met déjà en place. Mais le fonctionnement de la machine administrative va buter sur de nombreux obstacles qui, progressivement, révéleront la nature coercitive de cette politique de mobilisation de la main-d'œuvre indigène. Le Code de l'indigénat et la loi réprimant le vagabondage apparaissent finalement comme des instruments juridiques qui servent de couverture à la pratique du travail forcé.¹⁸⁶

¹⁸⁶ Fall, *Le travail forcé*, 50.

As was the case with the relegation law, the judicial solution to vagrancy served as a cover-up for greater economic imperatives and a need for manpower in the colonies. The result of both relegation and forced labor under the provisions of the *Code de l'indigénat* were the enslavement of an impoverished and landless population placed at the service of the developing economy of the colonies. Though in French West Africa the discourse was a racial justification following the belief that the indigenous would not seek work on their own, an equally discriminatory discourse justified the 1885 law in France against its own white population. The motor behind both horrid labor regimens seems more economic and classist than racial.

The geographical location of where the punishment was carried out seems like a greater determining factor than the population that it affected. In the case of New Caledonia and French Guiana “[t]he colonial *bagne* existed in some vague unlocated tropics, and one ocean was as good as another. What mattered was the surreal sense of horror associated with the name – heat and disease, not latitude and longitude.”¹⁸⁷ The same was true for the African French colonies, where forced labor and an obligation to cultivate also became essential to the colonial labor economy.¹⁸⁸ In a sense, the French *relégués* were automatically submitted to an *indigénat* of sorts, the provisions of which were determined by location rather than citizenship. By studying the case of relegation alongside indentured labor in the vaster French imperial context, the *relégués* emerge indubitably as colonial workers and not just as prisoners.

Jean Galmot: failed private employer

Having *de facto* instituted a forced labor regimen, one would think that the penal administration also intended to benefit private capital, but this does not seem to be the case, at

¹⁸⁷ Peter Redfield, *Space in the Tropics: From Convicts to Rockets in French Guiana* (Berkeley: University of California Press, 2000), 102.

¹⁸⁸ For more on the forced agriculture in French West Africa See Fall, *Le travail forcé*, 135-136.

least with the *relégués*. The administration, despite vouching to the contrary, did not favor private enterprises established near its premises and employing the *relégués*. In the case of the most famous private employer at the relegation camps, it appears that the inability to lend *relégués* workers to private industry came more out of the Head of Relegation's pettiness rather than a coordinated effort.

In the relegation territory of St. Jean, one entrepreneur endured for years a legal battle against the director of the penal administration until he finally yielded and shut down his mine. Jean Galmot arrived in French Guiana in 1906 to take care of his father-in-law's affairs.¹⁸⁹ After settling in the Maroni territory, he came into possession of two lots contiguous to the penal territory, which due to a clerical error were only 3km away from the *bagne*, while the law required all properties to maintain at least 10km of distance. This infraction, which Galmot tried to rectify, became the bone of contention not only between Galmot and the director of the penal administration, Jules Bravard, but also between Bravard and the Ministry of the Colonies, the Governor, and even the Head of Relegation.

Galmot's legal battle crystallized the real hierarchy and power struggle of the penal territory. While Director Bravard maintained that the 1885 law should be followed to the letter regarding the employment of *relégués* by private industry, Governor Samary and colonial inspector Norès argued that Galmot's enterprise greatly relieved the administration of its economic burden by employing some *relégués*.¹⁹⁰ Those favoring Galmot did not see more in Bravard's effort than a concealed but overbearing attempt to maintain the practices of the *bagne*. In addition to the battle

¹⁸⁹ For more on Jean Galmot, see Sanchez, *A perpétuité*, 191-203 and *La relégation des récidivistes en Guyane Française*, 572-594.

¹⁹⁰ In reality, the law was insufficient and ambiguous regarding the employment of *relégués*, and it was the decree of 1887 that clarified somewhat further how the *relégués* could work outside of the relegation camps. The rule became an improvised copy of the rule for *transportés*.

over the land's limits, Galmot protested that the penal administration denied him access to a road that he was forced to build at his own expense for the transport of goods. Furthermore, he complained that he could not put to work half the men that the administration sent him because they were handicapped, and that the penal administration purposely kept the able-bodied for their own construction work.

The legal matter of the property's limit concealed a greater issue relating to internal allegiances and control over the *relégué* workers. As an entrepreneur within the penal territory, Galmot had the obligation to employ *relégué* workers. Though most employees worked in the gold mine, another group of *relégués* chopped wood at the Galmot property during their free time and after accomplishing their tasks at the relegation camp. Galmot paid them directly for their work. The director of the penal administration, Bravard, resented that Galmot paid his workers without intermediaries or giving the state its share. He also contended that cash had motivated the latest riots in the relegation camps. According to Bravard:

« (La main-d'œuvre pénale) en dehors des engagements régulièrement consentis, doit être exclusivement affectée au service et aux besoins de l'administration pénitentiaire. Le relégué est soumis à une peine et, comme tel, ne peut disposer ad libitum, ni de son temps, ni du produit de son travail. Il ne doit pas, notamment, détenir d'argent. Ses heures de repos doivent être consacrées, sa tâche faite, à un repos effectif en vue d'un rendement ultérieur de travail suffisant, et non à des occupations pour autrui, quelles qu'elles soient. »¹⁹¹

Given the initial ambiguity of the legal text regarding private industries at the relegation territory, both Bravard and Galmot were correct in their vindication.

¹⁹¹ Bravard dans Sanchez, *A perpétuité*, p. 201. ANOM H 1864. Le directeur de l'Administration Pénitentiaire au commandant supérieur de Saint-Jean-du-Maroni. May 28, 1910.

In his 1909 auditing of the relegation territory, inspector Norès dedicated a third of his report to the Galmot affair and the altercation between the Head of relegation and the director of the penal administration over the matter.¹⁹² Norès investigated a series of accusations that faced Jarry, the Head of relegation. One of these accusations was that Jarry granted sick leaves and made the penal administration pay for the hospitalization of several *relégués*, even though they worked for Galmot. The complaint was that Jarry had acted without the permission of the director. To this, Jarry responded that he was acting in good faith. Even though the report does not clarify if the *relégués* who were hospitalized worked full time at the Galmot property, they were presumably kept at the collective relegation camps and worked only part time for Galmot. The second biggest accusation was that Jarry had allowed the direct payments for chopping wood even though the *relégués* were not supposed to possess any cash. Jarry was also accused of cultivating a friendship with Galmot, which allegedly took precedence over Jarry's professional duties and the penal administration's interests. Previous to the inspector's arrival, Jarry had overstepped the director's authority and had addressed the Governor directly over the matter of favoritism. (By doing so, and as Head of relegation, he skipped the director in the chain of command.) To this the Governor replied with a telegram sent directly to Jarry, and not through the director, which read "Soyez sans préoccupations." This direct reply between the Governor and Jarry pointed to the fact that the Governor himself condoned Jarry going over his superior's head. During inspector Norès' investigation, when asked about this breach of protocol, Governor Rodier conceded to the accusations and replied that: "it was necessary to bend certain rules that were not appropriate in this situation."¹⁹³ Governor Rodier added to his reply to the inspector that he was sure that Jarry had acted without personal interest. Colonial Inspector Norès was not

¹⁹² ANOM H 1864. Inspecteur Norès au Ministre des Colonies. Cayenne, May 13, 1909.

¹⁹³ "Il a fallu froisser quelques règlements."

convinced that this was true, but his report stated that, in any case, there was no money involved to prove the contrary.

As the Norès report exemplifies, the Galmot private industry was surrounded by scandal and petty gossip that became exacerbated in the context of the *bagne*. In reality, the situation was not as dire as Bravard pretended. The Commandant de Saint-Jean had in fact breached protocol, but his actions remained irreproachable under scrutiny. Furthermore, in breaching protocol, Jarry was bettering the situation at the relegation camps. According to Norès, the *relégués* were well fed, well kept, and working diligently while employed by Galmot. Allowing a private enterprise to flourish amidst the penal territory could only be of benefit in the long run. Even though Norès did not reprimand Director Bravard in so many words, he wrote:

Je vous ai déjà fait connaître mon sentiment, Monsieur le Ministre, sur la concession Galmot et sur le très gros intérêt qui s'attache à la réussite de cette entreprise, susceptible de donner à bon nombre des relégués et de libérés les moyens d'existence et de régénération par le travail qui leur est si difficile de se procurer à la Guyane : elle risquerait évidemment, si le Commandant de Saint Jean était changé, de trouver chez son successeur, les conceptions étroites et le mesquin esprit de jalousie que l'on rencontre chez un trop grand nombre de fonctionnaires de l'administration pénitentiaire.¹⁹⁴

Bravard was correct to follow the rules to the letter, but allowing the exemptions that the Galmot industry required represented a more advantageous strategy for the penal administration and for the colony. The penal territory, though it was supposed to epitomize order and correctness, was actually governed by a surreptitious code. Similar to the Relegation Law that was not followed to the letter, the administrative strategies in the colonies followed a “good-on-paper” rule as well.

¹⁹⁴ ANOM H 1864. Inspecteur Norès au Ministre des Colonies. Cayenne, May 13, 1909.

The colonial inspector's account crystallizes the power struggles that this ambiguity and lack of clear regulations entailed. The director of the penal administration was accountable to both the Governor and to the Ministry of the Colonies. The Galmot affair required a common sense, diplomacy, and flexibility that Bravard was unwilling to practice. Unable to recognize this greater priority that implied bending the rules for Galmot in order to better the *relégués*' situation and, more importantly, relieve the administration of some of its financial burden, Bravard was tagged as jealous and narrow-minded, while Jarry received only praise for transforming and renovating the relegation camps.

A decade after this incident, Jarry left the penal territory and, a few years later, it was Galmot's turn to shut down the factory and leave as well, unable to fight against Bravard any longer. Inspector Fillon concluded along the same lines of his homologue:

La vérité est que l'administration pénitentiaire souhaite, – je ne crains pas de l'écrire – la ruine de la tentative Galmot, tout en ayant l'air de vouloir la favoriser. Il faut bien sauver les apparences. L'administration pénitentiaire orthodoxe envie le triste privilège du mancenillier ¹⁹⁵ ; rien ne doit prospérer à son ombre. La raison, c'est qu'un étranger, quel qu'il soit, est un témoin gênant. ¹⁹⁶

Both the inspectors' opinions on the affair leave a clear imprint of how the Ministry of the Colonies dealt with the penal territory. The penal administration enjoyed a certain autonomy in the colonies, but the Ministry took charge as soon as a scandal loomed in the horizon lest the financial goals of the *bagne* not be attained.

The inspectors' remarks in the Galmot affair crystallized not only the attempt of a private enterprise to employ a *relégué* workforce, but also the red tape that encircled the entire penal

¹⁹⁵ Manchineel tree is a highly poisonous tree that grows on the Caribbean coasts.

¹⁹⁶ ANOM H 1865. Le gouverneur au ministre des Colonies, le 26 avril 1909.

territory and detained the success of relegation. Working for Galmot was supposed to become an economic incentive for the *relégués*. In order to receive any kind of payment, they worked during their spare time. However, in the colony the matter was not straightforward. The obstacles that Galmot faced and the refusal to allow any exceptions were rather issues of scale. Had the situation been smaller and those affected fewer, Bravard's opposition to the Galmot-Jarry team could have been overseen. This was in fact the case with numerous infractions that the administrators and guards committed against individual *relégués* that remained as unproved and controversial accusations. Some of the overlooked infractions involved the black market between the *relégués* and the guards, physical abuse, and seasonal recruitment of *relégués* in Surinam. These small breaches of the rules were only recorded in the *relégués*' letters or passed along as ill-natured gossip among the colonial administrators in their letters to each other. But even though ministerial investigations revealed systematic abuse, it was rarely as broadly discussed as the Galmot affair. Galmot's entrepreneurial failure was the epitome of the double standards that governed the relegation territory and impeded development.

Whether Bravard was a victim of the colonial double standards or a knowing perpetrator, the Bravard-Jarry dichotomy certainly clarifies why relegation labor never prospered the way the legislators intended. As long as the administration remained fractional, there would never be a well-thought-out strategy to propel *relégation individuelle* or even to serve as a stepping-stone toward independent work. Even though the *relégués* were in a reformation regimen of sorts, their supervisors treated them as staunch criminals. Bravard denied them the right to earn cash for their labor; others deprived the *relégués* of even more basic rights such as proper nourishment and access to health services. Without centers for trade education, interest in private employers at

the height of the gold fever in Guiana, or even the freedom for *relégués* to procure work on their own, it is no surprise that relegation remained a failed enterprise.

Escapees and Seasonal Workers

Individual *relégués* also became frustrated with the *bagne*'s interminable list of obstacles and contradictory rules. In theory, the *relégués individuels* had land lots to maintain and were provided produce and supplies during the first six months until they were able to cultivate their own food. However, the land flooded and the soil was so poor that it only allowed a few crops to grow. The Conseil Privé's minutes suggest that the number of concessions to *individuels* was purposely being limited. The penal administration admittedly also made an effort to restrain the number of *collectifs* who were granted *individuelle*. This means that the local colonial authorities as well as the administration had joined efforts in curtailing the right to concessions. The penal administration's official retort was that these numbers were not being tampered with deliberately, but that the *relégués* who were reintegrated into the collective relegation camps had misbehaved while they were free. The administrators explained the outstanding number of collective *relégués* by stating that it was only following the *relégués*' misbehavior that they had been reintegrated back into the camps. Relying on the necessity of this disciplinary measure, the administration did away with the main claim that there was not enough land to grant individual concessions to all those who deserved to be freed. Thus, the *relégués*' denunciations of being unfairly treated and unjustly held in collective camps was retroactively rebutted. The administration added further that there was no point in demanding their right to liberation into *individuelle* if they would just misbehave outside the collective camps. In this way, the administrators of the penal territory justified the need for a greater number of collective rather than individual *relégués*.

The Ministry of the Colonies, the penal administration, and the *relégués* adopted irreconcilable logics facing the impossibility of guaranteeing the survival of all *individuels* for an indefinite time given the poorness of the crops and soil. The colonial inspectors denounced corrupt officials and excessive use of force for keeping in camps those who had rightly earned their freedom and a concession. At the same time, they demanded a better preparation for the agricultural work or small business management that *relégation individuelle* entailed. The penal administration, unwilling to declare that the weather and numbers overpowered its command, adopted a defensive stance that relied mostly on treating the *relégués* indistinguishably from the *transportés*. At least if they were kept in collective camps, they required fewer resources. The *relégués individuels*, devoid of the same strategic power as the administrators, opted for defection and seasonal migration to neighboring countries in order to survive. If they were captured abroad, they would be sent to the St. Louis prison or reintegrated into the collective camp, but then again, they faced the same penalty for “abandoning” their land lot, that is for failing to rely solely on it and leaving the crops unattended.

The most common violation that the *individuels* faced was breaking the *interdiction de séjour*. Even though the *relégués individuels* could live outside the collective camps, they still had to remain within the penal territory. They could not move anywhere within New Caledonia or French Guiana. The *individuels* were held under surveillance and regular inspections; they even needed to ask permission in order to travel outside of the territory. If the *relégué* was not present at his concession or had failed to maintain it properly for an inspection, he was penalized for abandoning his property or for *rupture de résidence* if he was absent. Though it made sense that the penal administration restrained the *relégués’* movements and residence, the size, soil, and demography of the territory did not allow for all businesses and small farms to succeed.

Leaving the collective camps for life outside proved an even harder task. The *relégués* found themselves unemployed, destitute, or homeless in the worst cases. Some voluntarily asked to be reintegrated into the collective camps, while others chose to escape the penal territory in order to work elsewhere.

This was the case, to give one illustrative example, of Paul Dufour. Dufour was condemned to thirteen months of prison and relegation for theft in August 1892. He had accumulated fifteen condemnations for vagrancy and theft since 1881. Though it came as no surprise, the prosecutor's evaluation clarified that Dufour had spent most of the time in prison since his first condemnation ten years prior to his relegation. Dufour was sent to collective relegation without much ado, following the prosecutor's warning that he was a dangerous man.¹⁹⁷ Indeed, true to the warning, Dufour escaped five times between January 1896 and June 1898. He even escaped from the prison in Cayenne with other convicts. He was then sent to one of the toughest camps, Camp du Tigre, where he demanded a salary raise and a farm concession in 1900. He exchanged with the Head of relegation and the director of the penal administration a series of letters from 1900 to 1905 on the subject of this transition into *relégation individuelle*, obtaining a salary, and the whereabouts of the money he had saved over the years. He complained that in fourteen years of imprisonment at the colony, the administration had never granted him one single favor. Unsurprisingly, none of his demands were well received. The director of the penal administration replied that in fact he owed the money that he demanded: he had earned 285.25 F, but owed 522.66 in legal expenses. Finally, in 1906 the penal administration granted Dufour a concession. He had demanded individual relegation for years, but only two years after obtaining the very favor he so wanted, he asked to become again a collective *relégué* at St. Jean. While still in his

¹⁹⁷ ANOM H 3587 DUFOUR, Paul. Pièce II. Avis de relégation.

concession, a year after his demand of reintegration into collective, Dufour was found in Cayenne, instead of his town of residence, Sinnamary, and was charged with *rupture de ban*. He was unemployed and homeless. The arrest report on April 1909, stated that upon his arrest he responded in an “arrogant” way: “Arrêtez-moi, c’est-ce que je demandais depuis longtemps et puis, après vous me laisserez tranquille! Mais je ne quitterai jamais Cayenne, faites ce que vous voudrez de moi, je me suis déjà résolu.”¹⁹⁸ Dufour was one among numerous others who had neither the resources, nor the inclination or training to maintain a farm in French Guiana. His story was the norm in the penal territory. While Dufour’s escape attempts came as no surprise, his renouncement of a life of farming could have been avoided if he had proper training and if he had been allowed greater freedom to sell his produce. As long as the administration refused to prepare the collective *relégués* for a life in their own concessions, it faced failed attempts at colonization through relegation such as Dufour’s.

The archives of the *Tribunal Maritime Spécial* (TMS) in French Guiana include records of trials of *relégués* who abandoned the territory after they were free.¹⁹⁹ This included the recidivist *relégués* as well as the *transportés* who because of *doublage* were subject to remaining in the penal territory after accomplishing their sentences of hard labor; this second group was also known as *relégués*, or belonging to the 4th category within transportation. The most common scenario among these recaptured convicts who faced trial for breaking their residence restriction was that the Dutch police had captured them trying to cross into Surinam and had handed them

¹⁹⁸ *Idem*, Procès verbal, April 3, 1909.

¹⁹⁹ Though a large number of the archives of the *Tribunal Maritime Spécial* are unreadable due to their state, various trials for *rupture de résidence* can be still accessed. See ANOM H 4989, H 4990, H 5005, and H 5066 for a few examples. These trials illustrate the *relégués*’ living conditions; however, most cases of recapture are of former *transportés* of the 4th category. For specific examples, see the files of Auguste DeBock, Louis Hacttel, Henri Feron, Molter Louis Emile, Jean-François Palau, and Auguste Marcelin Calixte among others.

back to the French authorities. They were then sentenced to supplementary hard labor (in the case of the *transportés*) or to jail.

If this was the usual recapture process, why did the *relégués* bother trying to escape? The answer is that however frequent these recaptures and trials were, the number of *relégués* who succeeded in escaping or disappearing was greater. The number of disappeared *relégués* grew with every year. For instance, in 1909 French Guiana had 9,948 *relégués*, out of which 5,719 died and 1,452 escaped without recapture.²⁰⁰ If we eliminate the number of deceased *relégués*, from the remaining *relégués* in the camps, 34% escaped. In 1919, the total was 12,499, out of which 7,712 died and 2,202 escaped without recapture.²⁰¹ By 1919, the escape rate had augmented to 46% of the remaining population, and this is only the number of the *relégués* who were never recaptured; the total number of escape attempts is unrecorded. Furthermore, the material state of the St. Jean prison was terrible and continuously deteriorating, so escape became almost the default solution to imprisonment in the penal territory's jail.²⁰² Auguste Machin, whose story introduced this chapter, had twelve recorded escapes from St. Jean.

The decaying state of the prison was one of the reasons why the rate of escape was so high, but the *relégués* also depended on a network of freed convicts who gave them food and suggested places where they could go work. The liberated convicts risked being reintegrated or severely penalized for helping escapees, so these networks remained hidden for the most part, though they seemed to have been well-known among the *relégués*. Baptiste Bretagnolle, for example, was put on trial for complicity of evasion in 1912. The archives of the *Tribunal*

²⁰⁰ ANOM H 2397. Situation d'effectifs de la relégation, Guyane. January, 1909.

²⁰¹ *Idem*, January 1919.

²⁰² For examples of frequent escapees see : ANOM H 1600 LECOUDREY, Victor Clovis, H 3586/b MACHIN Auguste Félix, H 1623 SHOEMBACHER, Alfred and H 3587 DUFUOUR, Paul.

Maritime Spécial include a letter addressed to the prosecutor demanding a severe and exemplary punishment for Bretagnolle because “every time that there is an evasion it is always thanks to the aid of a liberated convict.”²⁰³ Bretagnolle defended himself by saying that he did not know that he was providing food and water to escapees, but facing heavy evidence to the contrary, the prosecutor dismissed his plea and responded that, in any case, “among individuals of penal origins, escape was not a fault that one considered hiding but a success of which to be proud” and this made Bretagnolle’s ignorance unconvincing.²⁰⁴ His case was ultimately dismissed for lack of evidence, but for the purposes of this project, it pointed to a well-established escape route and methods.

As the twentieth century progressed, the situation in the *bagne* worsened, the buildings deteriorated further, and escape became even more common. Alfred Shoembacher, another escape veteran, seemed to know about an aid network for escapees as well.²⁰⁵ Similar to Machin, Shoembacher was able to escape twelve times, and after his last recapture was sentenced by the Maroni Tribunal in 1938. The stakes in the Schoembacher case, however, were much greater than in the Bretagnolle trial as they suggested a foreign and international network of escapees. Schoembacher, a gardener, was German by birth, and he was sentenced to relegation in the Maroni territory in June 1930 following half a dozen convictions for theft by the court in Strasbourg. He wrote a clandestine letter to his girlfriend, enclosed in a letter addressed to his mother and sister. Since Alfred wrote in his native German, and all the letters written in a foreign

²⁰³ ANOM H 5005 Janvier-Mai 1912. Bretagnolle, Baptiste. Lettre du maire de la commune de Sinnamary au Procureur de la République. February 9, 1912.

²⁰⁴ *Idem*, Rapport sur l’affaire du nommé Bretagnolle, Baptiste. Le 24 mars 1912. “Donc, quant Bretagnolle viendra nous dire qu’il ignorait que Thiéry et Cornier fussent des évadés, nous le croirons pas. ... enfin, parce qu’entre individus d’origine pénale une évasion n’est pas une faute que l’on cache, mais un exploit dont on se flatte plutôt.”

²⁰⁵ ANOM H 1623 SHOEMBACHER, Alfred.

language had to be translated, he was discouraged from sending regular correspondence. He sent these last two letters through a fellow convict named Frisch, who had plans to escape. As Alfred explained in his note, the plan was for Frisch to mail an envelope containing both letters once he had managed to escape to Albina, a town on the Surinamese border. Alfred continued to explain to his mother and loved one that Frisch's escape, and surely his own future escape, was assured through an escapee network based in Paramaribo. The penal administration intercepted the correspondence, translated its content as it always did with foreign letters, and retained the letter. Alarmed by the extent of the escapee network, the Ministry of Foreign Affairs consulted the French consuls in Paramaribo and Rotterdam on the issue, and instructed them to investigate the matter *discretely*.²⁰⁶ In a letter from the French consul at Rotterdam to the Minister of Foreign Affairs, the consul explained that his colleague in Paramaribo had let him know that German nationals who managed to escape to Paramaribo were directed to the German embassy before being embarked in a Dutch vessel to Madeira, and from there to Germany.²⁰⁷ Beyond these proceedings, the investigation did not yield any particular findings of an international escapee network.

As we can gather by Bretagnolle's trial and Schoenburg's case, escape was far from rare. In none of the cases was escape treated as an anomaly; it appeared rather as a systemic fault that needed to be addressed. The penal administration was well aware of the situation, and it also possessed monthly statistics that showed how the number of *relégués* varied as well as why (e.g., death, escape, or disappearance.) The administration knew that it had to deal with corrupt guards

²⁰⁶ *Idem*.

²⁰⁷ *Idem*, Lettre de M. IMBAUT-HUART Consul de France à Rotterdam au Ministre des Affaires Etrangères, February 14, 1939.

and aged buildings. On their part, the *relégués*' main concern once they escaped was securing a job or surviving the journey out of the *bagne*.

Escape from the penal territory was not always a simple matter of freedom. Though no one can question that the desire to leave the penal territory's deplorable life was the greatest motor behind escapes, there were numerous other reasons for abandoning the *bagne*. Just like the characters from Bogart's movie, *Passage to Marseille* (1944), some *relégués* escaped to join the military during the Great War and the Second World War. In many more cases, the *relégués* escaped in order to work elsewhere, not necessarily with the hope of ever reentering French territory or seeing their families. Abandoning the territory, furthermore, was a tendency not only among the *relégués collectifs* but also among the *individuels* who already had a greater liberty of movement and residence, but lacked a job or, more often, a revenue from their farming. Facing the decision of reintegration or famine, concession holders left to find work in neighboring countries. They worked for months or even years in Panama, Brazil, Colombia, and Venezuela. This workforce drain was a sort of escape within a forcible exile: convicts still needed to flee the colony, where they had been deported as laborers in the first place, in order to survive, even after obtaining a concession. Upon recapture, they faced charges of *rupture du ban* (*interdiction de séjour*), abandonment of concession, and of course, escape.

The liberated convict's auto-exile can be explained with two cases: Charles Auguste Rancurel and Léon Dupont. Rancurel, liberated and under residence ban, escaped to Brazil on December 1927, was recaptured in France in 1931, and was finally tried at Cayenne. During his first interrogation after returning to the *bagne*, Rancurel replied that from 1927 to 1931, he had lived in Brazil, Argentina, and Spain during 28 months, until he received news that his mother,

aged 81, was ill.²⁰⁸ He left for France, where he was captured the day after his arrival on July 28, 1931. During the trial, after being asked why he left Cayenne, Rancurel replied:

En 1927, je me trouvais à Cayenne sans travail dans l'impossibilité de m'en procurer, enfin à une déveine qui me tracassait depuis quelques mois. J'avais économisé quelqu'argent (sic), mis en réserve, et pour l'utiliser qu'au cas de maladie ; enfin, ce n'était pas une vie de rôder sous le manguiers, ne vivre que de ces fruits, pendant un temps indéfini. Deux chôses (sic) se présentèrent à mon esprit : voler ou quitter le territoire ! C'est à cette dernière que je me suis arrêté et dans la première quinzaine de 1927, je m'embarqué sur une goélette Brésilienne moyennant cinq cent francs et je ne puis vous expliquer l'identité du patron de ce voilier. Trente jours environ après, j'étais débarqué à Bellem (sic), province de « Para » (Brésil). Comme à cet endroit il y a trop d'évadés, je me rendis aussitôt à Pernambouc, ensuite par étape, à Buenos Aires où j'ai exercé les professions diverses : de garçon de café, de plongeurs, d'homme de peine aux déchargements des bateaux, etc. ... Conduit à Barcelone (Espagne) j'y ai vécu malgré les troubles révolutionnaires jusqu'au 7 juillet 1931, date à laquelle ayant reçu de ma sœur, une lettre, que ma mère était gravement malade, je me rendis à son chevet ... Je vous affirme que j'ai vécu pendant mon absence, du produit de mon travail ; les souffrances endurées depuis ma libération de la Guyane m'avaient donné lieu à réflexions. ... je préfère d'être conduit devant vous pour rupture de ban, plutôt que d'être accusé d'avoir volé ou tué quelqu'un. ...

After being asked if he has anything to add to his statement, Rancurel replied:

²⁰⁸ ANOM H 5005 Février-Juillet 1932. Procès-verbal constatant la réintégration du libéré Rancurel, Charles. September 30, 1931.

On attendait toujours en Guyane « L'Armée du Salut. » Elle devait nous donner du travail, et, du bien être, mais voilà depuis 4 ans que je me suis enfui sous l'instigation de la misère et rien n'a été fait jusqu'à ce jour. J'aurai résisté dans cette colonie. J'aurai supprimé (sic) peut-être encore quelques vies pour revenir finir mes jours au bagne. Or, j'ai cherché à éviter cela et me refaire sous un nouveau soleil.²⁰⁹

During a third interrogation on November 1931, Rancurel stated that he had nothing to add to his previous statement on his reasons for leaving the colony. To this he added: "On me reproche d'avoir quitté le territoire de la Guyane où j'étais astreint. Je vous répète que sans travail, pour subvenir à ma subsistance, j'ai préféré m'éloigner de la colonie pour aller vivre du produit de mon travail et d'obvier d'autres malheurs qui m'avaient fait retourner au bagne."²¹⁰

What Rancurel described during his trial was the vicious cycle of destitution, unemployment and hunger which most liberated convicts and individual *relégués* faced. Constrained to a limited territory, the liberated could not find work because other ex-convicts had already occupied the few positions available or because employers refused to hire ex-convicts. Charles Rancurel described his life, living off mango trees and wild fruits; this was a widespread reality among the liberated convicts. These unemployed men, who had once belonged to the *bagne*, were known in the city as *les vieux blancs*. They were men who had neither a fixed income nor residence but were obligated to remain within the colony. So as to distance himself from this pitiful image, Rancurel emphasizes the misery that he avoided by escaping; this could have been a rhetorical technique used in order to lessen his violation in the eyes of his captors. Throughout all interrogations, he stressed constantly that he procured himself honest work while in exile. He

²⁰⁹ *Idem*, Procès-verbal d'interrogatoire, 1^{er} Tribunal Maritime Spécial, October 6, 1931.

²¹⁰ *Idem*, Procès-verbal d'interrogatoire, 1^{er} Tribunal Maritime Spécial, November 13, 1931.

suggested further that leaving the penal territory should not be interpreted as a violation, but that it could have been understood as an act of greater civic responsibility and integrity than remaining an unemployed ex-convict in Guiana. He had been disciplined enough to save money in case of an illness, and by leaving for Brazil he avoided killing and stealing. Following his own account, he did more than survive: he lived off his own work, and the only moment when he interrupted this life of “honest work” was when he left to take care of his mother, who was on her deathbed.

Rancurel’s testimony also attests to his willingness to self-regenerate and become a better man. Though rehabilitation was a common trope in the convicts’ letters and communications, it did not always ring as true as in Rancurel’s story. He did not exaggerate his sense of guilt but demonstrated, instead, how the *relégués*’ life at the colonies was ethically truncated and more dangerous than risking recapture. Since he made no effort to dissimulate his fault, his will to work honestly seems justified. By enumerating his jobs abroad, he demonstrated that he had the intention to change and live honestly. Furthermore, in the reference to the help that the Salvation Army was supposed to supply, Rancurel demonstrated that he was well aware of his alternatives and that he intended to find work in French Guiana but was truly deprived of the opportunity. Rancurel tried to justify his decision by further noting that in the space of his four years away, the Salvation Army had still not been able to deliver on its promises. Thus, Rancurel made his plea for being morally right, if legally wrong, and perhaps it was precisely thanks to this unrelenting candidness that he was acquitted in 1932. Charles Rancurel was less ironic than Auguste Machin in his response upon recapture, but they had similar arguments and motives. Machin never escaped long nor far enough to procure himself a job, so Rancurel, more than

Machin, experienced life as a *bagnard* migrant worker. What is more, there were numerous others just like Machin and Rancurel.

These cases of *relégués* who migrated and worked abroad were not scarce, but the records that remain are mostly of those *relégués* who had the misfortune of being recaptured abroad. Such is the case of Léon Dupont, who managed to escape and worked in Panama for years. Dupont was sentenced to relegation for theft in January 1893 when he was twenty-two years old. His relegation records list ten convictions for theft and one for verbal assault (*outrage*.) His criminal record included his first listed theft in 1882, committed against his parents and for which he was acquitted; he was twelve years old at the time of this first listed offense. Prior to relegation, Dupont worked in the port of Dunkirk as a day laborer. The director of the *dépôt de relégués* of Angoulême, where he awaited relegation, wrote that Dupont would work in the port whenever he was given the chance and then give half of the money he had earned to his mother and waste the other half on alcohol.²¹¹ When he lacked money, the director wrote, Dupont would steal, which earned him a reputation as a drunkard and a thief. During his time in jail, Léon did not demonstrate a rebellious character; however, the director advised that his apparent good behavior seemed suspicious. Furthermore, the director wrote in his observations on the *Pièce II* that since Dupont was only twenty-two years old and very strong, he could be assigned to the most arduous and tiresome tasks in the colonies. The director continued explaining that despite his young age, Léon was incorrigible and had to be submitted to an excessively severe discipline.²¹² After ten years in the *bagne*, based on good behavior and favorable recommendations, Léon was recommended for individual relegation on December 1904. But

²¹¹ ANOM H 3585/a DUPONT, Léon. Pièce I.

²¹² *Idem*, Pièce II, Avis du directeur du dépôt de relégués d'Angoulême, October 11, 1893.

around this time, the chronology in Léon's record is not consistent and there are two versions of Léon's story from the moment he left the camp of St. Jean.

The statements that Léon gave to the police in Martinique and Guyane stated widely different dates, as well as different professions, and events leading to his recapture. According to the first account, Dupont was captured in Martinique while feigning sickness as a motive to obtain repatriation.²¹³ The statement recorded in Fort-de-France, on January 23, 1908, established that Dupont escaped in 1900 and lived in Colombia for six years. He passed through Peru and Chile, and finally found a job as a nurse in the St. Thomas hospital in Colón, Panama. However, while it is true that Léon's last handwritten demand for an individual concession was in 1899, he was granted individual relegation in 1904-1905, so it would not make sense that a *relégué* received a concession four years after having disappeared.

The second testimony, written on March 1, 1908, could provide more clarity. In Cayenne, Léon tells the police that he escaped in 1905 on a row boat. Léon narrated that it took him six days to arrive at Demerara²¹⁴, where he stayed for twelve days. After this time, Dupont left for the town of Cristóbal (Colón) in Panama, where he remained for the greater part of three years. In Colón, Dupont said that he worked on the railroad until February of 1908. Discharged from the railroad, he took a boat to Martinique and, feeling feverish, he went to the chief of police's office to be granted a permission to go to the hospital. The chief of police arrested Dupont and sent him back to Cayenne on March 1908. Léon was denied pardon and died the following year. His mother still asked about his whereabouts two years after his death, so it seems that his family did not know about Léon's escape and work through South America.

²¹³ *Idem*, Procès verbal constatant l'arrestation du nommé Léon Dupont relégué évadé du pénitencier de St. Lauren du Maroni en 1900. January 23, 1908.

²¹⁴ It is not clear from his testimony whether Dupont meant the Demerara River or the country of Guiana.

Following police reports two months apart, Léon Dupont seemed to be two entirely different people. Did he work abroad during eight years or three? Did he move across South America or settle in Panama shortly after escaping? Was he a day laborer, who went from working at the port to serving as a nurse to working on the Panama Canal, or did he maintain a steady job as a railroad worker? It would seem that only parts of both testimonies were true. Léon might have exaggerated the time he spent as an escapee in order to lighten the offense by making it seem like an old offense. However, the multiple jobs across Colombia and Panama might be a more accurate account of his time away.

Dupont's file also contains two surprising and unusual documents: two letters of recommendation from when he worked in Panama. The first letter is from the materials and supply chief at the Isthmian Canal Commission in Cristóbal, W.B. Tubby. The letter is dated December 24, 1907. It stated that Dupont had been employed in that division since November of that year, and that he was being discharged on account of reduction of force, but that his service had been satisfactory and the company had no objection to his re-employment.²¹⁵ The letter also stated that he was hired as a "Spanish laborer." The second letter on Dupont's file is even more bewildering than the first. It is a letter from the Mexican vice-consul at Panama, Antonio M. Rojas, acting in the absence of the Mexican consul in Colombia. On January 2, 1908, Rojas interceded in favor of Dupont and wrote a *laissez-passer* for his upcoming trip to Cartagena, where Dupont was headed for "particular affairs." The vice-consul wrote that Léon had spent five years in Colón as a construction worker, and that he had provided satisfactory proof of being an honest and well-behaved person.²¹⁶

²¹⁵ ANOM H 3585/a DUPONT, Léon. Letter dated December 24, 1907.

²¹⁶ *Idem*, Antonio M. Rojas. Vice cónsul de los E.E.U.U. Mexicanos en Colón República de Panamá a falta del Cónsul de la República de Colombia.

These two letters attesting to Léon's good faith force us to raise new questions regarding not only this *relégué*, but regarding all escaped *relégués* in general. Both letters shed light on a few inconsistencies between Dupont's testimony, his record and what the letters stated. First of all, Dupont, of course, was not Spanish. As a redhead, he would have had a great trouble passing for a local of Colón as well. But it is less clear if he learned some necessary expressions in Spanish and lied about his identity, or if he was hired as a Spanish laborer because this would have been more convenient for his employers at the canal commission. That both sides would find it better to denominate Dupont "Spanish" comes as no surprise. In fact, this practice of purposefully ignoring the escapees' background seemed to be a common practice across South American countries and companies when they required seasonal workers. The *bagnards* that the journalist Albert Londres²¹⁷ interviewed confided in him that most employers in Dutch Guiana knew perfectly well when they were hiring French convicts, but that they would pretend to ignore this fact until they turned them in to the French authorities at the end of the high season.²¹⁸ This type of deceitful hiring, lying about salary, and omissions about forced labor conditions were widespread practices in regards of migrant workers. Recruiters embarked poor workers across

²¹⁷ Albert Londres was a famous journalist who wrote several pieces on forced labor and prisons at the French colonies during the first decades of the twentieth century. The closing of the *bagne* is due in great part to his reports on the situation at the penal colonies. It was the first time that a report on the terrible conditions of the *bagne* enjoyed such great public attention. This report was later transformed into the book *Au bagne*.

²¹⁸ Albert Londres. *Au Bagne*. When asked why he returned from Surinam, a convict replied: "Parce-que le travail allait cesser et que les Hollandais nous auraient renvoyés à Saint-Laurent. Tant que les Hollandais ont besoin de nous, tout va bien. Ils nous gardent. Ils viennent même nous débaucher du bagne quand ils créent de nouvelles usines, nous envoyant des canots pour traverser le Maroni, nous donnant des avances. C'est qu'ils trouvent chez nous des ouvriers spécialistes et que ce n'est pas les nègres qui peuvent faire marcher leurs machines. Mais, depuis quelques années ils sont sans cœur. Dès qu'un homme est inutile, il le livrent." (Page 16) To which another replied: "Nous quittons Surinam. C'est au Venezuela que nous voulions aller. Au Venezuela on est sauvé. On nous garde. On peut se refaire une vie par de la conduite." (Page 17) Albert Londres, *Au Bagne* (Paris: Albin Michel, 1924).

the world and tricked them into accepting contracts that submitted them to a life of arduous labor under the false promise that they would be paid better in another country.²¹⁹ Thus, the canal commission overlooking Dupont's obvious French origin was not a singular case, but oddly in tune with international labor practices.

Along with exposing the tacit hiring system, these two recommendation letters point out another great surprise: Léon Dupont remained a well-behaved, honest worker while he lived in Panama. The follow-up questions are: was this true, and why would Tubby and Rojas recommend Dupont? Tubby had more than a thousand workers under his command, so it is strange that he would take the time to write a letter for Dupont, who had allegedly worked for only two months in the material and supplies division. However, the letter could have been a formality in order to find work in another division of the canal that did require laborers. Of course, it is obvious why Dupont would still carry the letter with him during his arrest in Martinique. Rojas' *laissez-passer* is more mysterious. Why would a Mexican vice-consul in a country where he held no jurisdiction authorize a French individual to travel to Colombia? Furthermore, the vice-consul's letter has various suspicious French diacritic marks. The police in Martinique noted that Léon did not have any documents that could prove his identity. Dupont alleged that he had left them in Colón. It is clear from the police report that no such papers existed. What did the vice-consul consider as proof of honesty and good character and why was Dupont not carrying these documents with him in Martinique? What is more, the French authorities kept both letters. Was it to prove Dupont's whereabouts during his escape or because they thought that he had forged them? The reports, nevertheless, do not mention any doubts as to the legitimacy of Dupont's recommendation letters. They both contained the seal of the

²¹⁹ See David Northrup's book *Indentured Labor in the Age of Imperialism, 1834-1922* for information on migratory patterns and international hiring practices.

respective offices and the signature of the recommender. If the letters were legitimate, as they seem to be, Dupont had proof that he was good worker. Moreover, Dupont had proof that he could be a responsible worker without coercion.

Regaining entrance in France, as Dupont tried to do, was not an impossible task. It took him ten years, but Auguste Wiart was able to return to the metropole. He arrived and worked in France after his escape for a year before he was recaptured and deported again. Before relegation, Wiart led a similar life to Dupont in the northern city of Douai. He had a long record of theft and was a day laborer. Wiart, however, apparently stole to feed his family. He lived with his wife and their five children, whose ages ranged from eight months to fourteen years at the time of his arrest. His last crime listed, for which he was sentenced to relegation, was a theft of meat, including a cow's head, at a butcher shop.²²⁰ After his arrest, the report stated that Wiart's wife disappeared, taking with her their children. Arguably his wife's disappearance did not sever his relations with his family, because his file includes an amicable letter from his daughter Marguerite written after his death. In March 1898, seven years after his arrival at Guyane, Auguste managed to escape. He was recaptured ten years later when he was working as a nurse in the *hôtel-Dieu* at Poitiers. During his escape, Wiart worked in Venezuela for nine consecutive years before being able to secure his voyage back to France. Similar to Léon Dupont, in 1908, Wiart was reintegrated in a relegation camp in French Guiana, and he died in 1910 of an *accès pernicieux*, which was the medical code for malaria symptoms.

Despite their tragic endings, Léon Dupont and Auguste Wiart's stories represented a success for the other *relégués*. Auguste Machin, Charles Rancurel, Alfred Shoembacher, and Paul Dufour among many other *relégués* planned for years how they would escape and earn a living

²²⁰ ANOM H 3583/a WIART, Auguste. Pièce I.

working in other Latin American countries. Returning to France was not the immediate plan for any of the escapees; first, they searched to work and to avoid the misery of the penal territory. Finding the means to conduct a voyage across the ocean was not an evident outcome. The *relégués* who managed to escape searched for jobs, and they were able to maintain a living wage for years. In Panamá, Venezuela, or Colombia, the *relégués* did not return to criminal practices, as the French legislators and prison guards had suggested in 1885. It is possible that the *relégués* behaved well and worked hard abroad because they had already seen the *bagne*, where they would have to return if they misbehaved. Perhaps fear of becoming a *relégué* again kept mischief at bay. Abroad, the *relégués* had a clean slate, a fortune that they had not been granted in France. This does not mean that escaping the *bagne* changed them morally, but they were forced to work and secured this outcome on their own, not by force.

Their life as escapees was what the *relégués* should have experienced in the colonies, but instead, they were treated like the earlier group of convicts, the *transportés*. Abroad, escapees worked as waiters, railroad workers, store clerks, masons, or at whatever job they could secure. By escaping the relegation camps they became migrant workers. Paradoxically, escaping relegation forced the *relégués* to adopt a laborious lifestyle.

Migrant workers were a reality that the penal administration refused to acknowledge because it contradicted the desired effectiveness of relegation. From the inmates' private letters, personal files, and the *procès-verbaux* created upon capture, it is clear that the *relégués* were not necessarily evading their civic responsibilities. They deserted the hard labor camps to avoid unemployment and death. Those who stayed in the penal territory after ending their sentences became the *vieux blancs*, a floating population of moribund men with neither the skills nor the energy to work. For this reason, a large group of *relégués* left the territory illegally in order to

work clandestinely, and thus go into a sort of exile within an exile. The *relégués* understood their punishment and the severity of their offenses, as well as the risks of defecting, but they also understood that the chances of dying in the penal territory were greater. The worst-case scenario was to never risk their lives attempting evasion.

Conclusion

Relegation was not a prison sentence, but rather a labor law that never worked well. The 1885 law, intended to put repeat offenders to work, faced too many obstacles in the colonies. Most of these problems were not small hiccups but deep and systematic oppositions to the work provision on the part of the prison guards and the colonial administrators, who treated the *relégués* as *transportés* convicts. In the penal colonies, the *relégués* never received the proper training before being coerced into farming, wood chopping, mining, construction work, or manufacturing. Indiscipline or the inability to perform these tasks was severely punished because of a misunderstanding about the application of the Relegation Law. Metropolitan France inspected the functioning of the colonial penal administration, and was aware of relegation's poor performance, but the Ministry of the Colonies failed to institute any changes because it lacked the economic resources and the staff to undertake long-term solutions.

The *relégués* in the *bagnes* had very similar conditions to the forced-labor workforce in other French colonies. Even though they were French citizens, by relocating the population to the tropics, the colonial penal administration mistreated the recidivists more than it would have had they remained imprisoned in metropolitan France. Men, women and even the handicapped and the lepers had to work as much as regular forced labor convicts in order to survive or not be killed through the disciplinary measures. This group of *relégués* constituted a coerced migrant workforce well inserted within the French empire's labor relations, and whose belonging to the

greater international labor sphere was undeniable in the case of the *relégués* who escaped and became migrant workers. These last *relégués* proved repeatedly in their trials following recapture that securing a job and having an “honest job” was a great preoccupation. They defended their decision to escape by contrasting their life abroad with the certain death that awaited them in the colonies. Even those who had long records of theft preferred being accused of *rupture de ban* than having to steal or starve in the penal territory. They were willing to work and lead responsible lives, but not to work under the conditions of the French penal colonies.

In this way, relegation in the French colonies was not an effective rehabilitation measure through labor, but a system that transformed the *relégués* into penal migrant workers. By taking the 1885 relegation law as a work provision, instead of a solely punitive measure, we can reinsert the *relégués* in their right place as laborers. This, in turn, allows for a better evaluation of the rehabilitation that the recidivists were supposed to endure and the efficiency of the method. The penal territory is too fast equated to the land of imprisonment and punishment, when in the case of relegation it should have been a space for agricultural labor and successful small businesses. By redirecting the research questions to the Relegation Law’s initial intent and the labor conditions it prescribed, we can also reinstall the *relégués* in the rightful position of migrant workers.

Chapter 4: The *relégués aliénés*: the medico-legal epitome of the incorrigible deviant

When questioned on the silence of Lucien Léon, who had not corresponded with his mother in some time, the head of relegation answered that the *relégué* blamed the penal administration for refusing to deliver his letters. To this, the director added: “Lucien Léon declares to be here illegally following the act of enemies, including a bishop. He also maintains that his name is Count Léon of Marenvert and not Lucien Léon.”²²¹ Léon’s delusion appeared in several other memoranda, and the letters that he addressed to the bishop were kept on file as proof of his mental instability. Despite such proof of insanity, he was never transferred to an asylum. In fact, the administrators performed their own evaluation of his sanity and decided on their own that Léon was “only a bit monomaniac” but otherwise “educated, very intelligent and dangerous.”²²² This description of a dangerous and bright prisoner established Lucien as a calculating man fully aware of his acts and suggested that he might be feigning his insanity. In charge of reporting on the case, the Governor assured the Undersecretary of Colonies that the only concern with Léon was that “he wrote too much to complain.”²²³ The administrators constantly assured the Governor, the Ministry of the Colonies, and Leon’s mother that Léon’s health was not bad, despite him claiming the contrary. Lucien Léon’s case was quickly put to rest, his demands for liberation ignored, and he worked as a shoemaker in the *bagne* from 1892 until his death in 1899.

Léon’s case defines the norm in the penal colonies. The penal administrators were not interested in accepting cases of mental illness, and they tried to avoid this diagnostic as often as

²²¹ ANOM H 8532b. Note to the Director of the Penal Administration. September 21, 1892. “Les raisons qu’il donne pour expliquer son silence sont consignées en marge de la dite lettre. Lucien Léon déclare être ici illégalement à la suite des manœuvres de ses ennemis entre autres un évêque ; il prétend en outre s’appeler le Conte Léon de Marenvert et non Lucien Léon. ”

²²² ANOM H 8532b. Letter of the Governor of Guyana to the Undersecretary of State of the Colonies. December 30, 1893.

²²³ *Idem*.

possible. The supervisors' most common accusations were that prisoners feigned insanity and did not represent a real danger to the other prisoners. This accusation suggested that the prisoners were voluntarily challenging the guards' authority. Accusing the *bagnards* of faking insanity and dismissing visible cases of mental instability also responded to a higher priority at the *bagnes*: maintaining a strict discipline. As I explain later in this chapter, order and discipline prevailed over hygiene and health in the metropolitan prisons, because prisons usually lacked the money to enforce efficient hygiene regulations in the overcrowded buildings. Prison doctors and guards could not reconcile, and this distrust among colleagues was transmitted to the colonial prisons. It was not uncommon for the governor and the head of relegation to dismiss swiftly the claims of an insane *relégué*. The colonial penal administration too was reluctant to allow people other than the guards to work with the *bagnards*, and tried to limit as much as possible the doctors' role in the treatment of prisoners. It was an uphill battle to receive medical treatment and an even harder task to prove that a particular prisoner was not a criminal but insane, and that he or she should be placed in an asylum instead of a prison. The guards made sure that order prevailed among the prisoners, while physicians worried about the prisoners' health and maintaining a minimum of hygiene within the camps. Within prison walls, health and discipline were often mutually exclusive.

Cases such as Lucien Léon's and those of other *relégués* with mental troubles reveal much of the hidden processes of the courts. When relegation was enacted in 1885, the 1838 law on alienation and personal will set the tone for most judicial sentences, but this last law's inefficient and insufficient categorization of mentally unsound individuals led to the condemnation and relegation of many offenders whose criminal behavior was rather a manifestation of mental instability. Furthermore, this *loi des aliénés* rarely led to a 'non guilty' verdict, since the

definitions of ‘personal will’ and ‘mental capacity’ remained ambiguous. Psychiatrists and criminologists did not make great steps towards the decriminalization of insanity. On the contrary, at the onset of relegation, incorrigibility was a concept widely accepted and supported in the judicial and medical fields. The insane *relégués* were trapped within the contradictions between these new social and natural sciences and the older behavioral beliefs that legislators and penal administrators still held, such as the degeneration theory.²²⁴ Psychiatrists, physicians, judges, politicians, and prison personnel all came together in their treatment of deviant behavior but did not always propose the same solutions. For this reason, I argue that the mentally ill *relégués*, who were accused and examined by all these professionals, served as the epitome of the socio-medical paradoxes surrounding deviant and sick undesirable character at the end of the nineteenth century until well into the twentieth.

In Chapter 1, I discussed how overarching French imperial dynamics helped tilt the legislative debate about recidivism towards relegation in the colonies. In Chapters 2 and 3, I explained how the *relégués* lived and worked as migrant workers and how they adapted to their lives in the colonies. In this chapter, I illustrate how the French colonial empire also provided the scientific and ideological tools to categorize deviant behavior in the metropole and to refer to criminals as individuals belonging to the colonies. This tendency to compare the criminals to colonial subjects happened at a time when the discourse on deviancy was still fused with that on insanity, and it was not clear how insane offenders should be treated. Furthermore, judges, legislators, prosecutors and prison directors extended contemporary findings about the

²²⁴ The theory of degeneration in the French field of criminology came by way of Cesare Lombroso’s theories, from which departed Gabriel Tarde and Alexandre Lacassagne’s work, founders of the French school of criminology. For more information on these two French criminologists see, Marc Renneville, *Exploring the History of French Criminology (1885-1939): the Case of the Archives de l’Anthropologie Criminelle. Criminocorpus, Histoire de la criminologie* 1: accessed July, 26, 2015.

contagiousness of tropical diseases to the recidivists' behavior, so it seemed that criminality behaved as a bacterial infection. The *relégués* who were labeled '*aliénés*' epitomized the deviants that the Opportunist Republicans targeted through the 1885 law, and even before they were exiled, they became "colonial" first through the metaphors that typified them in the metropole.

Given the scarcity of psychiatric professionals, magistrates and penal administrators who acted de facto as court and prison diagnosticians failed to distinguish insanity from criminality. Even when psychiatrists contributed their opinions in the courts, some psychiatric theories were so firmly grounded on moral judgments that the medical diagnosis and suggestions served to further penalize and suggested tighter confinement measures for the accused. The *aliénés* were repeat offenders, whose mental disorders gave the impression of incorrigibility by dint of constant defiance to the authorities. In the three cases that I study in depth in this chapter, prison directors, prison doctors, and physicians within the penal colonies had widely different interpretations of how to treat these individuals who clearly suffered from mental disorders. The insane *relégués*, by being at the heart of psychiatry and criminology at a time when both fields were developing and intertwined, witnessed this disciplinary conflation. These *relégués* were also the experimental vectors for a paradigm shift into a clearer role of psychiatry within the courts.

In order to achieve this transversal analysis of the recidivist population with mental illnesses, I engage primarily with Michel Foucault's history of insanity and the role of psychiatrists within the courts. I specifically rely on three of the author's most famous books to trace the institutional changes following which insanity was tried as a crime that deserved imprisonment. I then analyze this chapter's case studies in the light of nineteenth century criminal anthropology, and

compare it with concurrent medical sciences, especially, with tropical medicine. Similarly to Chapter 3, I build a comparison between the *relégués*' medical situation and that in other French colonies through the works of contemporary historians of colonial medicine such as Pratik Chakrabarti, Richard Keller, and Michael Osborne.

I should clarify that I do not provide my own diagnosis of insanity for the subjects I discuss in this chapter. The three cases discussed in Chapter 4 are files of *relégués* who were classified as *aliénés* by the penal colonies. These files are some of the most eloquent dossiers regarding legal procedures and treatment within the penal colonies. I do not reproduce the term *aliéné* or 'insane' because I am convinced that these three individuals were indeed insane, but rather to question their medical and legal treatment as *relégués*. As the reader will notice, the three case studies that guide this chapter do not typify a particular type of insanity. Pelzer, Marty, and Sacquet suffered or were accused of different obsessions, compulsive disorders, hallucinations, and immoral behavior. These incomprehensible, deviant behaviors were blended in such a way that in one case, a deputy proposed that the individual's epileptic attacks had contributed to the individual's criminal behavior, even though epilepsy shared no proven link with insanity according to the medical establishment. While reading the archives of relegation, I realized that the penal administration hid or disguised many cases of *relégués* who deserved urgent medical attention in the interest of preserving the illusion of a well-run institution in the tradition of metropolitan prisons. These *relégués aliénés* were subjects who the guards could not subdue with discipline alone.

The medical corps

The historic disagreement between doctors and prison personnel anteceded the establishment of the penal colonies. There was some complicity in the *dépôts de relégation* where the medical

commission rarely saw a prisoner it did not deem fit for relegation. In France, the psychological evaluations of the *relégables* were in the hands of the prison directors, who commented on their moral state and behavior. The medical commission agreed or disagreed on whether the individual could stand a harsh climate, long working hours, or agricultural labor. Those with severe handicaps or who were too old to work were sentenced to ‘light work,’ but they were still exiled. Once in the colonies, this swift and carelessness categorizing that led to removal from France exacted a price: the *bagnes* could not avoid managing the mentally unstable and those incapable of working. The solution once in the colonies was to wait for a tropical illness or fatigue to kill the *relégué*. However, as the fields of criminology and tropical medicine grew and increasingly shed light over the abuses committed against (colonial) prisoners, the penal administration’s carelessness became harder and harder to present as an oversight.

Physicians and psychiatrists had been increasingly professionalizing their discipline since the eighteenth century, but their roles within prisons were severely curtailed by the budgetary and disciplinary priorities of the penal institutions.²²⁵ The doctors tried to better the situation of those prisoners who were in dire need of medical attention, but they could not carry out extensive reforms. The physicians who suggested vast changes regarding the prison health policies were subjected to the preexisting fiscal priorities of the penal administration. The medical corps serving the prison population also was not a uniform group; their health reforms were not consistent either. According to Jacques Léonard, *directeur d’études* at the EHESS on the history of medicine, nothing could be further from the truth than imagining a homogenous group of

²²⁵ Jacques Léonard, “Les médecins des prisons en France au XIXe siècle,” in *La prison, le bagne et l’histoire*, Jacques Petit dir. (Geneva : Librairie des Méridiens, 1984).

doctors in charge of health and hygiene at the penal institutions.²²⁶ The medical schools these doctors had attended varied according to the institutions where they worked. Léonard specifies that the Army and the Navy had their own doctors attending the *bagnes*, as well as their own ships and barracks. Doctors working as civil servants were in charge of asylums, and private physicians worked in hospitals, convents, and prisons.²²⁷ Within the prisons in France, doctors were in charge of maintaining the minimum hygiene required, and their advice would only be followed when the epidemics threatened the personnel's health; even then, budgetary restrictions had primacy over general health.²²⁸ In the end, as Léonard explains, prison doctors "were neither persecutors, nor apostles," but they rather inclined in favor of the government without celebrating this position, and they opted for general public health rather than deep medical reform within the prison walls.²²⁹

Though the doctors who went to the colonies were trained in different schools, they shared this middle ground with their metropole-based colleagues. In fact, according to Stephen Toth, doctors in the *bagnes* had the exact same view on penal colonization than the penal administrators and French legislators who proposed transportation and relegation; all three groups supported colonial imprisonment. The only difference, according to Toth, was that the

²²⁶ According to Léonard, no institution had the same type of doctor. J. Léonard, "Les médecins des prisons en France au XIXe siècle."

²²⁷ *Idem*, p. 141.

²²⁸ *Idem*, p.143.

²²⁹ "Ni bourreaux, ni apôtres, les médecins des prisons du XIXème siècle se résignent à l'impossibilité d'égaliser les chances de santé entre la captivité et la vie libre; sans verser dans le tremblement révérencieux, ils s'inclinent devant les raisons d'Etat, l'impérialisme du droit et les inévitable contingences économiques. Disons-le tout net : il paraîtrait incongru de prendre trop de soin des malfaiteurs, à moins que la préservation de leur santé ne soit indirectement utile à celle de la société extérieure aux prisons." J. Léonard, "Les médecins des prisons en France au XIXe siècle," 148.

doctors fervently defended that a successful colonization and rehabilitation would be possible only if their recommendations were followed to the letter.²³⁰

The physicians of the *bagnes*, as part of the Navy, were still formed at the port medical schools, following a ministerial structure inherited from the Ancien Régime.²³¹ These doctors traveled as part of the military force, and thus colonial medicine developed along with the French territorial expansion. In his book *The Emergence of Tropical Medicine in France*, Michael Osborne explains how this group, accustomed to travelling and the so-called perils of the tropics, had a more nuanced view of tropical illnesses. From their direct contact with the habitants of the colonies, these doctors had developed a slightly independent opinion that ran against prevailing essentialist theories, which equated the tropics' warm climates and geographic location to the native population's racial inferiority. According to Osborne, the general prevalence of deterministic and racial theories that permeated the scientific discourse during the great part of the nineteenth century influenced colonial physicians but did not monopolize their findings.²³² The reason for this intellectual autonomy, the author advances, was not only that these physicians actually visited the colonies, in contrast to their metropolitan colleagues, but also that they formed personal bonds within the territories where they lived, which allowed them to

²³⁰ In fact, Toth added that once the causes of tropical illnesses such as malaria were linked to a mosquito and not to the territory, the doctors supported even more the project of penal colonization. "This is not to suggest, however, that physicians shared no complicity in legitimating the institution. Local doctors did not evince any moral qualms about penal colonization per se; they desired only that the practice be made more efficacious by adherence to their medical proscriptions. Indeed, once they were granted more autonomy within the administrative apparatus of the *bagne* in the late 1920s, physicians believed that penal colonization was still a viable alternative to imprisonment in the metropole." Toth, *Beyond Papillon*, 100.

²³¹ This was due to the organization of the Navy done by Richelieu and retaken by Colbert. Michael Osborne, *The Emergence of Tropical Medicine in France* (Chicago: University of Chicago, 2014).

²³² *Idem*, p. 9-10.

reconsider positivist concepts of race and civilization.²³³ Similarly to the doctors in French detention centers, colonial doctors did not call into question the entire social structure, but their profession was often at odds with the driving principles of the institutions they served. Even though their reforms were limited and piecemeal, the doctors at the colonies, including the ones in the *bagnes*, provided the penal prisoners a less discriminatory treatment than did the disciplinary personnel. The *relégués* in turn perceived this slightly more welcoming treatment and, like Léon Sacquet who I discuss later in this chapter, they often alluded in their correspondence to finding refuge from the officers' abuse in the health institutions.

Metropolitan and colonial prison doctors, then, had benevolent intentions that were curtailed by the penal administration's budgetary and disciplinary priorities. Furthermore, given the disorder within the medical profession, prisoners in need of medical help were left on their own to secure proper treatment. As the *relégués* moved from the youth detention center, to the prison, to the *dépôt*, to the *bagne*, and to the asylum, two to four different doctors evaluated the recidivists. This meant that the *relégués* received conflicting or widely different diagnoses within the span of a year (when they were about to embark to the colonies) or regarding a lifelong illness. If they had an illness that preceded their condemnation, the *relégués* could spend years proving their need for immediate medical attention. As the three cases in this chapter illustrate, the *relégués* found that it was even more difficult to prove to the legal authorities that their actions were motivated by a mental illness and not by innate criminal behavior.

The medico-legal debate and the advent of new theories

The *relégués* were in a medical limbo, but this was not only because the prison physicians imparted an inconsistent treatment and were incapable of carrying out widespread reforms within

²³³ *Idem*, Conclusion.

the prisons. The epistemological void through which the ill or insane *relégués* fell was also due in great part to the new medico-legal analysis, which failed to assign clear-cut categories for either insane or sane criminals. At the courts, medical professionals weighed in increasingly during trials in order to distinguish between a crime done out of personal will or a crime that was the product of insanity, and therefore involuntary. The penal code of 1810 was the first document to require this distinction. Article 64 of the 1810 penal code established: “Il n’y a crime ni délit, lorsque le prévenu était en état de démence au temps de l’action, ou lorsqu’il a été contraint par une force à laquelle il n’a pu résister.” In this way, crime and madness were supposed to remain separate and distinguishable categories. However, in practice, insanity and criminality became increasingly intertwined in the courts.

The medico-legal discussion concerning the trial and punishment of insane criminals remained incipient, to say the least. The 1838 law concerning the trial and tutelage of alienated criminals directed somewhat the efforts to distinguish and separate both terms: criminal and insane.²³⁴ However, the definition of alienation persisted as extremely controversial and unclear. As a result, it was difficult to adjudge insanity, which would prevent the person from enjoying his or her full capacity at the moment of crime and thus relieve the accused of responsibility for criminal acts. The law made a case for individuals who could not conform to the social contract and who did not enjoy their mental capacities, but it did little to categorically identify these types. In fact, until the very end of the century, the diagnosis of insanity fell mostly on the magistrates.²³⁵ Specialists were called upon during the famous or big cases of “true monsters,”

²³⁴ Loi du 30 juin de 1838. Loi sur les aliénés.

²³⁵ “L’heure des spécialistes ne sonnera qu’à la fin du siècle; c’est alors qu’émergera l’idée de créer des asiles spéciaux pour garder les aliénés criminels; le docteur Auguste Motet, médecin de la Petite Roquette, secrétaire général de la société de médecine légale et membre du bureau de la société médico-psychologique, commence à découper des ‘types’ auxquels devraient s’appliquer

but the judges were left alone during more ordinary verdicts of alienation.²³⁶ It is not hard to understand, then, how the courts condemned a great number of insane prisoners, mistakenly categorized as recidivists who engaged in criminal acts voluntarily, and relegated them to the colonies.

Relegation derived in great part from medical debates within the courts. The concept of incorrigibility was not only a political tool for fear mongering but also a medical concept that psychiatrists introduced during trials, confounding mental incapacity with criminal tendencies. Michel Foucault summarized best the history of the disciplinary merge between incarceration, medicine, and law and how this synthesis reoriented criminology from the early nineteenth century and on. In *Madness and Civilization*, Foucault first established how, during the sixteenth and seventeenth centuries, madness was removed from the public eye through a movement he named ‘the great confinement,’ and how the removal of insane individuals cut across a vast spectrum of the low social classes during the nineteenth century.²³⁷ According to Foucault, the incarceration, or at least the internment, of insane individuals arose from the practices of what he dubs the ‘classical age,’ practices which in turn stemmed from the earlier treatment of leprosy. For the author, the insane remained in an unclear status, imprisoned alongside and “assigned the

des pénalités différentes... ” J. Léonard, “Les médecins des prisons en France au XIXe siècle,” 148.

²³⁶ See Nye, *Crime and Madness and Politics in Modern France*, 63-64.

²³⁷ “On s’apercevra qu’ils été mêlés à la population des Workhouses ou Zuchthäusern. Mais ils n’est guère arrivé qu’on précisât clairement quel y était leur statu in quel sens avait ce voisinage qui semblait assigner un même patrie aux pauvres, aux chômeurs, aux correctionnaires et aux insensés. C’est entre les murs de l’internement que Pinel et la psychiatrie du XIXe siècle rencontreront les fous ; c’est là –ne l’oublions pas– qu’ils les laisseront, non sans se faire gloire de les avoir « délivrés ». Depuis le milieu du XVII siècle, la folie a été liée à cette terre de l’internement, et au geste qui la lui désignait comme son lieu naturel.” Foucault, *Histoire de la folie à l’âge classique*, 67-77. Foucault, *Philosophie anthologie*, 77-78.

same homeland as the poor, the unemployed, and the prisoners.”²³⁸ Even closer to the history of relegation, Foucault defends further that the imprisonment of insane individuals “designates a decisive moment when madness was perceived on the social horizon of poverty, incapacity for work or inability to work with the group.”²³⁹ These are the very characteristics that would define the *relégués*. The insane *relégués* exemplify perfectly the figure of Foucault’s nineteenth-century outcast who, while remaining an epistemologically unstable concept, was punished and imprisoned systematically. In 1885, this amalgam of insanity, inconformity to social norms and morals, poverty, and unemployment acquired a legal category.

Foucault expanded on the legal implications of applying internment for such a varied group of outcasts in *Discipline and Punish*. The author explained that in the modern age, it is no longer the crimes that are judged but the soul of the criminal.²⁴⁰ The role of psychiatry within the courtroom and of criminology played no small role in this supplementary judgment of the criminals. These two disciplines gave the judges the ability to judge the individual beyond the crimes, and beyond the individual and who he is, his capacity for crime.²⁴¹ According to Foucault, this ability to condemn possible criminals opened the door to all kinds of “appreciative,

²³⁸ *Idem*.

²³⁹ “L’internement est une création institutionnelle propre au XVIIe siècle. ... Comme mesure économique et précaution sociale, il a valeur d’invention. Mais dans l’histoire de la déraison, il désigne un événement décisif : le moment où la folie est perçue sur l’horizon social de la pauvreté, de l’incapacité au travail de l’impossibilité de s’intégrer au groupe ; le moment où elle commence à former texte avec les problèmes de la cité. ... Une sensibilité est née, qui a tracé une ligne, élevé un seuil, et qui choisit, pour bannir. ... Mais en moins d’un demi-siècle, elle s’est trouvée recluse, et, dans la forteresse de l’internement, liée à la Raison, aux règles de la morale et à leurs nuits monotones.” Michel Foucault, *Histoire de la folie à l’âge classique*, 108-109. Foucault, *Philosophie anthologie*, 84-85.

²⁴⁰ “Depuis cent cinquante ou deux cents ans que l’Europe a mis en place ses nouveaux systèmes de pénalité, les juges, peu à peu, mais par un processus qui remonte fort loin, se sont donc mis à juger autre chose que les crimes: l’âme des criminels.” Michel Foucault, *Surveiller et Punir* (Paris: Gallimard, 1975), 26.

²⁴¹ *Idem*, p. 26.

prognostic, diagnostic, and normative judgments with which the courtroom was now armed.”²⁴²

If Article 64 of the 1810 penal code suggested that there was a clear distinction between the insane and the criminal, in practice, the application of Article 64 created a non-lieu, where the court could not condemn individuals who remained dangerous even though they were not considered criminals. Facing its own senseless creation, the court added the consideration of extenuating circumstances, which permitted the court to judge, instead of insanity, the psychological history of the individual and his or her hidden motives, so as to prove that the accused would commit crimes if not imprisoned. Under this new scheme, insanity did not automatically exclude the possibility of punishment for a criminal act. Foucault proposed that following this legal strategy judges could condemn anomalies and grant appreciations of normality and prescriptions for normalization.²⁴³ Ultimately, following this medico-legal organization, the psychiatrist became a “punitive counselor”²⁴⁴ instead of an expert in mental incapacity and personal responsibility. Thus, adopting a Foucauldian lens, we can establish that starting in the early-nineteenth century the judges condemned potential crime, which led to the sentencing of many insane individuals judged as unreformable delinquents based on their dangerousness and not on their mental capacity when they committed a crime.

Foucault expanded on the medico-legal complot, which obscured the judgment of insane individuals, in his lecture at the Collège de France, *Abnormal*. In this series of lectures, Foucault

²⁴² *Idem*, p. 27.

²⁴³ “Au lieu que la folie efface le crime au sens premier de l’article 64, tout crime maintenant et, à la limite, toute infraction porte en soi comme un soupçon légitime, mais aussi comme un droit qu’ils peuvent revendiquer, l’hypothèse de la folie, en tout cas de l’anomalie. Et la sentence qui condamne ou acquitte n’est pas simplement un jugement de culpabilité, une décision légale qui sanctionne ; elle porte avec elle une appréciation de normalité et une prescription technique pour une normalisation possible. Le juge de nos jours –magistrat ou juré – fait bien autre chose que ‘juger.’” Foucault, *Surveiller et Punir*, 28.

²⁴⁴ *Idem*, p. 498.

revealed further how the courts were judging morality instead of responsibility for criminal acts or mental incapacity by recounting the individuals' moral backgrounds during trial. For Foucault:

Recounting the series of misdeeds is a way of showing how the individual resembles his crime and at the same time revealing what could be called a parathological series that is close to being an illness, but an illness that is not an illness since it is a moral fault. Because in the end this series is a proof of a form of conduct, a character, and an attitude that are moral defects while being neither, pathologically, illnesses nor, legally, offenses. The experts have always sought to reconstitute the dynasty of the extended series of ambiguities that lie just below the surface.²⁴⁵

Even though numerous *relégués* faced a moral judgment, such as the mothers whose cases feature in Chapter 2, this moral judgment found its epitome in the *relégués* with mental illnesses or categorized as *aliéné*. The case of Henri Marty, whom I discuss later in this chapter, is an example of an individual whose moral background determined his condemnation in court, and whose life in the camps of relegation left no doubt about the institutional amalgam between psychiatrists, magistrates, and disciplinary forces, or that between insanity, immorality, or criminal tendencies. Marty's homosexuality and his blatant acceptance of his immoral lifestyle previous to relegation and even during relegation constituted the parathological series, which Foucault discusses. His immoral behavior represented his supposed insanity, which translated as criminal behavior, until syphilis at the end of his life transformed him into a real *aliéné*.

The most relevant parallel between Foucault's abnormal characters or outcasts and the *relégués* is the epistemological suppleness that this institutional merger between physicians,

²⁴⁵ Michel Foucault, *Abnormal* (New York: Picador, 2003), 19-20.

psychiatrists, and judges allowed. First, Foucault proposed that there arises from this merger a dual qualification of the criminal-patient, which allows judgment for ‘perversity’ more than judgment based on mental incapacity or criminal behavior.²⁴⁶ Foucault proposed further that:

The whole field of notions of perversity, converted into their puerile vocabulary, enables medical notions to function in the field of judicial power and, conversely, juridical notions to function in medicine’s sphere of competence. This set of notions functions, then, as a switch point (*échangeur*), and the weaker it is epistemologically, the better it functions.²⁴⁷

The *relégués aliénés* faced this judgment as criminal-patients who were found to be simultaneously mentally ill and criminals even though the verdicts for these two categories should have remained separate. Indeed, the former category should have partially exonerated them from the latter. This group of *relégués* faced condemnation to relegation for immorality and insanity as well as for the incorrigibility of which all *relégués* were accused. As Foucault explains, this conceptual in-betweenness strengthened the arguments on each side: a history of madness accounted for a staunch criminality, and criminal acts that were now judged on a moral scale did not lead directly to a verdict of insanity. Just as incorrigibility, which was never statistically or scientifically proven even though the concept was reproduced in the relegation files, insanity also became a fluid concept that, although it was misunderstood, remained a strong proof of staunch criminality in the courtrooms.

Outside of the courtrooms, sociologists and criminologists were also changing the way insanity, a medical discourse, and criminality fitted together. Even though during most of the nineteenth century, social theorists followed the Foucauldian scheme of disciplinary integration

²⁴⁶ *Idem*, p. 32.

²⁴⁷ *Idem*, p. 33.

to the detriment of the accused, during the twentieth century French sociologists disentangled further criminal tendencies from a medical or biological propensity for crime. During the nineteenth century, crime was explained in part through a biological, inherited predisposition to crime. This theory evolved towards the end of the century – and especially for the legislators of relegation – to the concept of ‘degeneration,’ which attributed both biological and social origins to crime. The theory of degeneration, as both biological and social, led to the criminalization of diverse social ills and, as Foucault explained, to the confinement of those affected by these “illnesses.” For instance, drunkenness was treated as a mental illness, and alcoholics were placed in asylums.²⁴⁸ At the end of the century, a cocktail of theories informed judicial decisions.²⁴⁹ In *Murders and Madness*, Ruth Harris, as Foucault before her, noted how psychiatry and jurisprudence proposed widely different views of criminality, though she did not go as far as Foucault in proposing that this clash was ultimately synthesized in the courts.²⁵⁰ However, Harris

²⁴⁸ In the case of alcoholism, a crime that counted towards a sentence of relegation, men were more likely to be penalized than women; however, this double standard was true for most crimes with the exception of infanticide and prostitution, which were only rarely, if ever, overlooked in the case of women. See Benjamin F. Martin, *Crime and Criminal Justice Under the Third Republic: The Shame of Marianne*. (Baton Rouge: Louisiana State University Press, 1990) and Ruth Harris, *Murders and Madness: Medicine, Law, and Society in the Fin de Siècle* (Oxford: Clarendon Press, 1989).

²⁴⁹ Assessing the changes endured during the *fin-de-siècle* in her book *Murderers and Madness*, Ruth Harris writes that: “The period saw a thorough-going reassessment of the principles of punishment and a marked shift towards deterministic explanation of anti-social behavior, most forcefully and coherently articulated by psychiatrists... Their psycho-social analyses, based largely on deterministic theories of hereditarian degeneration and neurophysiological automatism, had a profound impact on interpretations of both individual and social pathology. Such ideas insistently militated against a criminal code that was founded on moral responsibility, free will, and legal theories of fault-based contractual obligation.” Ruth Harris, *Murders and Madness*, 2-3.

²⁵⁰ Indeed, Foucault notes that the fourth rule of his study was: “Au lieu de traiter l’histoire du droit pénal et celle des sciences humaines comme deux séries séparées dont le croisement aurait sur l’une ou l’autre, sur les deux peut-être, un effet, comme on voudra, perturbateur ou utile, chercher s’il n’y a pas une matrice commune et si elles ne relèvent pas toutes deux d’un processus de formation « épistémologicojuridique »; bref, placer la technologie du pouvoir au

as well as Robert Nye, in *Crime, Madness and Politics in Modern France*, explain that it was the idea of ‘degeneration’ that paved the way towards a rehabilitative and individually assessed criminal law, which would take into account social circumstances.

Degeneration, the idea that criminality could be inherited, bridged former theories of individual will and new biological and deterministic theories. The fear of widespread or national degeneration was the main cause behind the stigmatization of a predominantly popular and working class, whose most undesirable individuals suffered relegation. Nonetheless, the very theory that led to massive exclusion also allowed for a transition from the punishment by the crime, which obliterated social milieu and individual circumstances, to a more social understanding of criminal behavior. A social understanding of crime, instead of one based on individuals and heritage, was in the making at the beginning of the twentieth century. After Gabriel Tarde and Emile Durkheim, other French sociologists promoted that social causes led to crime instead of biological determinism. Despite this progress towards a social explanation of crime, ‘degeneration,’ an offspring of deterministic theories, was the necessary transition from positivism and physiological crime into the criminology of the early twentieth century. Concerning how medical discourse affected relegation, this theoretical secession from previous moral arguments, which were defended through the pseudoscientific degeneration theory, might explain the decrease in relegation sentences in the metropole later in the twentieth century.

Gaston Pelzer

Gaston Pelzer is the perfect example of a *relégué* trapped between medicine and criminology. Pelzer worked as a photographer, and in 1893 he was condemned to a year of prison and

principe de l’humanisation de la pénalité et de la connaissance de l’homme. ” Foucault, *Surveiller et Punir*, 31.

relegation for theft.²⁵¹ He had faced previous sentences for vagrancy, fraud, assault and battery, and revolting against the police. His last condemnation was for stealing a watch from a window and selling it to third person, all while carrying a knife. Though his file prior to relegation classified Pelzer as an alienated subject, the prison director at the *dépôt de relégables* did not refrain from accusing him of deceitful behavior ever since he was at the youth detention center of Petite Roquette. Commenting on Pelzer's intentions, the director warned: "Hypocrite, quarrelsome, he looks to dominate his fellow prisoners, to give them bad advice. He has tendencies to organize complots, to practice evasions. Nothing else to be said about his mores." In the section of the prisoner's attitude regarding relegation, the director wrote that Pelzer:

seemed indifferent, he accepts with insouciance his shipping to the colonies and promises to work hard and behave well. In my opinion, these are false promises. He is not susceptible to amendment. Naturally lazy, he is the enemy of work, his idleness will have to be defeated, and collective relegation applied in its entire rigor.²⁵²

The psychological background that the psychiatrists and health professionals performed in the courts was now in the hands of the guards and prison directors who commented on the *relégués'* conduct while in prison. The objective was, as it was in court according to Foucault, to "show how the individual already resembles his crime before he has committed it" and therefore how he or she deserved relegation for a life of depravity.²⁵³ Even though it had little to do with theft or

²⁵¹ ANOM H 1138/PELZER, Gaston Charles.

²⁵² *Idem*, Notice de relégation. "Hypocrite, querelleur, il chercherait à dominer ses codétenus, à leur donner de mauvais conseils. Il a des tendances à organiser des complots, à pratiquer des évactions. Rien de particulier à signaler sur ses mœurs." "Pelzer semble indifférent il accepte avec insouciance son envoi dans les colonies et promet d'y bien travailler et d'y bien se conduire. A mon avis ce sont des vaines promesses. Il est peu susceptible d'amendement. Naturellement paresseux, car il est l'ennemi du travail, on aura besoin pour vaincre sa fainéantise, de lui appliquer dans toute sa rigueur le régime de la relégation collective."

²⁵³ Foucault, *Abnormal*, 19.

fraud, Pelzer was accused of being a hypocrite, lazy, and an idle person; these accusations supported the need to relegate him as well as his propensity for vagrancy in the future. This behavioral background as a support of the relegation sentence was a standard procedure. In fact, during his first years in the *bagne*, there was nothing out of the ordinary in Pelzer's case. However, there was a suggestion early during Pelzer's arrival at the colony that he was insane, but the administrators put the matter to rest quickly. In a letter, the head of relegation mentioned that Pelzer was classified as an insane person, but the official's diagnosis was that he was in full control of his actions and that his intentions would have to be met with severe discipline. This small note drawn on the margin of his file signals to the penal administration's systematic effort to hide or detain any diagnosis of insanity, claiming that the *relégués* were voluntarily and consciously misbehaving.

The penal administration's distrust of an insanity diagnosis as well as postponing medical attention until it was absolutely necessary was standard procedure at the *bagnes*. Pelzer's case might have gone unnoticed had he not been an epileptic in true need of medical attention and from a well-connected family. Since 1894, immediately after his condemnation, there are letters from the Minister of the Interior closely following Pelzer's case. Gaston's father had provided medical certifications of his son's conditions, and two of them, he sustained, exonerated the prisoner from some of his misdemeanors. The Minister, for his part, pleaded in favor of Gaston and added that he could be placed on parole (before being relegated) since he disposed of the means to support himself. Gaston was nonetheless relegated, but his case continued to be discussed between the penal administrators and the Minister of the Interior. Most of the initial correspondence was withheld from him since the administration deemed that "it did not contain any information pertaining to his family and it was, therefore, not worth to allow the *relégué* to

read it.”²⁵⁴ The Governor and the Minister approved this measure since they both agreed that Pelzer “could trick the authorities by feigning folly and mental alienation”²⁵⁵; in their view, it was better to settle the matter without consulting the *relégué* who might feign insanity to this advantage. Thus, no one related to the prison system stated that Gaston Pelzer was insane or in need of medical help, much as no one raised any concern about Lucien Léon, who thought himself to be the Count of Marenvert.

Despite the penal administration’s resolution, Pelzer’s father continued his struggle in France to bring his son back. In 1897, he managed to persuade Édouard Vaillant, the socialist deputy of the Seine, to intercede in Gaston’s favor. Charles Pelzer, the father, provided medical records and court records that proved that Gaston was found “epileptic and irresponsible for his acts” since he was fifteen years old. This meant that, following the 1838 law, Gaston could be exonerated. Pelzer had also undergone treatment twice at the Asylum Sainte-Anne. His file included a history of suicide attempts, hallucinations, and epileptic attacks. Gaston had also declared wanting to arrest the President’s assassin and pronounced himself to be the assassin of Marie Aguezzant, the victim of a famous *fait divers* in 1886. Presumably, Gaston’s father advanced, the famous Dr. Magnan had signed these medical records. Even though epilepsy was a separate condition from Gaston’s insanity, the *relégué*’s father and Vaillant suggested that Pelzer also lost control of his actions after his epileptic attacks. More importantly, the head of psychiatry at Sainte-Anne had already presented conclusive proof that Pelzer’s suicide attempts,

²⁵⁴ ANOM H 1138/PELZER, Gaston Charles. Letter of May 28, 1896.

²⁵⁵ *Idem*, Letters of October 1, 1896 and May 2, 1897. The Minister wrote to the Director of Penal Administration: “Je donne mon approbation à cette mesure. Je vous serai en outre, très obligé de faire surveiller d’une manière toute spéciale le relégué Pelzer qui a déjà simulé la folie et de me faire connaître en temps utile les mesures que vous auriez prise à son sujet en cas de nouvelle atteinte d’aliénation mentale.” And the governor responded later that “Pelzer, sans doute pour tromper la vigilance de l’administration, feint parfois, d’être atteint d’aliénation mentale.”

hallucinations, and declaration of being a famous assassin derived from mental unstableness. Finally, it should have been evident that Pelzer was in need of psychiatric treatment since he was twice a patient at the asylum.

Despite a lengthy psychiatric file, Pelzer was tried as a criminal and not as patient. He was acquitted for theft a first time and subsequently tried in a different court and sentenced to relegation. The petition that Vaillant presented at the Chamber of Deputies asked the members to excuse this “*aliéné* affected by kleptomania.”²⁵⁶ During the presentation of Pelzer’s case, Vaillant seemed horrified by the insufficient medical examination that Mr. Charles Pelzer described, which regrettably was common to all *relégués*:

Vous voyez, messieurs, dans quelles conditions est survenue cette condamnation. Le jeune Pelzer passa six mois en détention à Mazas à la suite desquels, en juillet 1895, il fut transféré à Angoulême où on le retint pendant dix mois dans un dépôt de relégués sans qu’aucune condamnation ait autorisé cette détention arbitraire, ce prolongement d’emprisonnement, et cela malgré les réclamations de son père. Pendant ce temps il ne fut soumis à aucun examen médical, d’après ce qu’il affirme lui-même. Il fut surtout placé sous la surveillance unique de ses gardiens, qui me semblent des aliénistes très insuffisants, et dont cependant le témoignage paraît faire autorité pour le ministère. Il n’aurait été qu’une seule fois mis en présence du médecin du dépôt, qui se serait contenté de lui demander ses nom et prénoms, son âge, etc.²⁵⁷

Here, Vaillant openly denounced the insufficient medical attention that Pelzer received. The deputy even made a sarcastic comment to highlight how absurd it was to have prison guards act

²⁵⁶ *Idem*, 21^e Commission. Pétition 2576 (Déposé par M. Vaillant, Député de la Seine).

²⁵⁷ *Idem*, Journal officiel du 23 novembre 1897, Chambre des Députés. 6^e législation, Session extraordinaire de 1897, Séance du samedi 27 novembre.

as psychological evaluators, while the doctors were limited to questions regarding the name and age of the prisoners. Vaillant's alarmed defense served to demonstrate how insufficient and complicit was the medical profession within the prisons and, especially, within the *dépôts de relégation*. Despite these enormous flaws in the system, which he did not fail to criticize, Vaillant's description was accurate. The guards' evaluations did serve as psychiatric assessments. Insanity and mental illnesses were systematically ignored, as in Pelzer's case. The prison doctors provided superficial evaluations previous to relegation, while the guards and prison directors took charge of the psychological profile of each prisoner. If, as Foucault explains, within the courtroom the psychiatrists served as 'punishment counselors,' when the prisoners were already in prison, it was the guards and prison administrators who traced the prisoner's behavioral background and equated unruly behavior with criminality rather than insanity.

Following Vaillant's petition for presidential pardon, Darlan, the Minister of Justice, who was present at the Chamber during Vaillant's defense, replied directly to the plea. Darlan clarified that it was impossible to grant Pelzer a presidential pardon because of his repeated entanglements with justice. Vaillant replied to this that relapse proved Pelzer's mental instability, to which the Minister of Justice replied that Pelzer had been granted parole and had committed theft immediately after being released. Darlan defended the condemnation to relegation by excluding the possibility of insanity due to a criminal background. The logic that supported incorrigible criminality was tautological and impenetrable; according to the Minister of Justice, Pelzer could not be insane because he had routinely committed criminal acts, and recidivism proved criminality, not mental unstableness. Vaillant continued his defense, making Pelzer's case an example of how relegation was a corrupted process. For the deputy, Pelzer's recidivism

as well as his psychiatric record were the proof, if there ever was any, of mental incapacity and therefore of irresponsibility for his crimes.

Back in French Guiana, the penal administration transferred Pelzer from the camp of St. Jean to Tollinche, a camp for recalcitrant *relégués*. He attempted to escape in 1899, and there is no record of any communication with his family after 1900. He died of malaria in 1901. Throughout his sentence, the Governor assured the family (and the Minister of Justice) that Pelzer was feigning his insanity and had no instances of real insanity while in the colony. The penal administration also reported that he behaved well, although the transfer to Tollinche suggests otherwise. Finally, when Pelzer's parents asked about his health and the reason for his silence in corresponding, the guards wrote back that he was in good health.

The categorization and treatment of recidivists who suffered from a mental illness remained muddled. Pelzer's case helps to shed light on the issues at stake in the penal colonies and in the courts. Vaillant's intervention and Pelzer's medical record exemplify how the case of mentally unstable *relégués* had not only political undertones but also repercussions for the population of prisoners in need of psychiatric help. The Justice Minister, who denied Pelzer pardon, was also acting according to what seemed to be in the state's best interest; his ruling served to remove a very dangerous individual from metropolitan France. Darlan and the colonial penal administrators ordered a similar punishment for the recalcitrant delinquent's first relegation, and within the relegation camps, the most severe discipline in the camp of Tollinche. Despite a proven record of mental instability, an insanity plea was out of the question for the court as it was within prison.

I Marty, will answer to this

Gaston Pelzer is a clear illustration of how the penal administration, metropolitan and colonial, searched by all means to repeal a verdict of insanity and denied proper psychiatric treatment to the *relégués*. However, beyond denying proper care for the *relégués aliénés*, the penal administration as well as the courts pathologized the moral behavior of this particular group of *relégués*. This was a supplementary judgment common in the condemnation to relegation, but that was grossly exacerbated when the recidivist or the *relégués* also participated in blatant immoral acts. These defiant acts, as Foucault suggested, were taken for a sign of perversity, which became for the courts and administrators an undeniable sign of incorrigibility.

Henri Marty is a quintessential example of how these concepts – immorality, incorrigibility, and insanity – coalesced into relegation. Marty's case involved the criminalization of insanity, as well as alcoholism, prostitution, and homosexuality. Not only was Marty relegated for various instances of theft, he was also classified and institutionalized as an *aliéné* for having hallucinations, for his alcohol consumption, and for his sexual practices. In a way, Marty's case puts this whirlpool of legal, sociological and medical theories to the test.

In 1935, Marty, a resident of Rennes and thirty years old at the time, was sentenced to six months of prison and relegation for theft, vagrancy, and food knavery. He had also stolen a bicycle and a coat on previous occasions. The guard at the detention center in charge of the evaluation marked him as dangerous, and warned that Marty discussed his escape plans with his fellow inmates. Once in the *bagne*, Marty was classified as *aliéné*, and entered and exited the psychiatric ward routinely. During this time, there is a phase of archival silence that seems to coincide with Marty's institutionalization at the psychiatric ward of St. Laurent.

Several years after arriving at the *bagne*, the authorities withheld a letter from Henri for ‘tendentious and inappropriate writing.’ He wrote to the Head of Relegation from the blockhouse of Saint-Laurent:

J’ai signé une notification voici quelques jours où vous faites savoir à Monsieur le Chef des Services Pénitentiaires que je suis pas un fou, mais un mauvais sujet, semant par mon attitude vis à vis des surveillants la discorde parmi mes coreligés de plus sournois et à surveiller au point de vue des mœurs, digne d’aucun intérêt. Moi Marty je réponds à ceci que tout en étant relégué collectif je suis seul, rempli de haine et assoiffé de vengeance, victime d’une société corrompue, hors la loi, je ne suis pas venu à la Guyane pour m’amender. ... Administration pénitentiaire, marqué en lettres de feu, assassine les enfants en correction, rends les hommes tuberculeux dans les centrales en France et ici continue l’œuvre de destruction. Avec le courant de ses règlements absurdes, à mon arrivé ici, vous avez commencé par me faire un pédigré, maintenant que je suis noire, vous criez bien haut qui je suis. ... et au point de vue des mœurs je vous encule tous à pied à cheval et en voiture. (Note on the margin read: Si vous continuez à me causer de mes mœurs je fais croire que vous êtes mordu de moi.)²⁵⁸

At this point, Marty had been transferred from the camp of St. Jean to the prison in St. Laurent, which meant that the administration had increased the disciplinary measures against him. The “pedigree” that Marty mentioned was his record in Guiana; indeed, it was incredibly long and full of rather small acts of insubordination. From 1936 to 1939, the list of disciplinary measures against Marty occupied four sheets of paper. Given the general atmosphere and course of events at the *bagnes*, it is hard to determine whether these infractions were real or exaggerated, but most

²⁵⁸ Syntax and punctuation appear as they do in the letter. ANOM H 4487/16426 MARTY, Henri. Letter of December 11, 1938.

of them certainly seem undeserving of solitary confinement. They included dishonest allegations (15 days of solitary confinement), deterioration of his mosquito net (30), bread traffic (30), pointless reclamation to the director of the penal administration (4), arrogance against a guard (15), dissipation of belongings (30), incorrect attitude against a guard (30), noises and scandal (30), not recognized sick (30), refusal to work (8), and chatting during the walk (8). The list is long. In four years, Marty had accumulated 1,393 days of solitary confinement and 8 days in prison. This was what he meant about a fabricated reputation.²⁵⁹ As a list, these punishments suggested that Marty was, in fact, an incorrigible and headstrong *relégué*, but this criminal background served a similar purpose to the psychiatric background traced in court. The goal was, as Marty (and Foucault) notes, to create a “pedigree,” or a history that seemingly proved the *relégués* staunch perversity, when in fact the punishments were due to personal animosity between the guards and certain prisoners. In Marty’s case, his deteriorating mental health, his homosexuality, and his open criticism did little to shelter him from further sanctions.

Marty’s letter underscores how the penal administrators created the image of an unruly *relégué*. Not only does he mention how his disciplinary file was maliciously fabricated, but he also suggests how he was “blackened.” Whether turning him into a black individual was a reference to the local population in French Guiana, or to a tainted reputation, Marty does not fail to state how he was viciously degraded.

²⁵⁹ As ludicrous as they seem today, none of the accusations weighing against Marty were strange within the system of the *bagne*. It was a military regime, and sometimes even stricter, lest the convicts be treated better than soldiers. See Stephen Toth, “Colonization or Incarceration? The changing role of the French penal colony in fin-de-siècle New Caledonia.” *Journal of Pacific History* 34.1 (1999): 59-74. Also on the guards, by the same author: “The Lords of Discipline. The Penal Colony Guards of New Caledonia and Guyana” *Crime, Histoire & Sociétés* 7.2. (2003): 41-60.

Despite the severity of these reactions, Marty's unrelenting defiance was unexpected. As his letter demonstrates, Marty was not about to be subdued quietly. Instead of the apologetic tone that many *relégués* adopted in their letters to the administrators, Marty increased his violent tone and threatened to create rumors about the sexuality of the officials. Most likely, the administrators did not perceive this burst of anger as an important threat, but it is still interesting that Marty chose his own sexuality to threaten to undermine authority rhetorically. Even though it was a childish reversal of roles (i.e. "I will say that *you* are homosexual"), Marty's threat surprisingly uses the same discourse that censored him to put authority in doubt. Marty had dealt with so many abusive and exaggerated disciplinary measures that he remained indifferent to future reprehensions. Not only did he declare that the administrators and guards were corrupted accomplices, but he seemed convinced to the point of acting rebelliously out of frustration. Resentful about not receiving the medical treatment he deserved and instead being categorized as undisciplined, Marty defied the administrators reiterating "by all means" (*à pied, à cheval...*) the very behavior they tried to correct.

On another occasion, Marty screamed at a guard "Merde! Tu me fais chier, je suis malade!" and refused to follow orders during the medical visit, which made his fellow prisoners burst out laughing and cost him more days of solitary confinement. Perhaps he should have expressed his anger in a calmer manner, but this was a difficult task after enduring such abuses.²⁶⁰ Marty could have expressed his frustration in a more composed, eloquent manner and still would have been accused of 'tendentious writings.' Such disclosure, though accurate, was prohibited in the *bagne*. Furthermore, by 1938, the Penal Administration had an abundant disciplinary record with which to rebut Marty.

²⁶⁰ Even though, as Toth's article on discipline at the *bagne* demonstrates, it was not so much the tone that bothered, but the audacity of complaining in the first place.

Finally, there is something to be said about Marty's categorization as a madman or an unruly *relégué*. Marty begins his letter by trying to excuse himself, but only after the administration refuses to admit that he is crazy in view of his numerous offenses, which Marty insists are fabricated. As I explained earlier in this chapter, ever since the 1810 penal code and the 1838 law on the *aliénés*, it was difficult to rule insanity and criminality as mutually exclusive categories, and the default option was to correct immorality (voluntary or due to insanity) as a criminal behavior. Following the court rulings, the penal administration too opted for correcting Marty's conduct. However, Marty was the epitomic recidivist targeted under the 1885 law and, though this only appears very late in his file, it becomes clear that Marty was punished not only for criminal relapse but also for immoral behavior. Marty was a homosexual and a male prostitute. These misdemeanors were not listed and counted for relegation, but they might have been implied under the accusation of vagrancy. The connection was not a direct one, but if Marty had been caught soliciting, if he did not have another source of income, or if he did not have a permanent residence, he could have been categorized as *sans aveu*. In such cases, the offense listed on the file would have been vagrancy. Writing from the blockhouse at St. Laurent, Marty's defiant tone in his letter was also in regards to his sexuality. His comment regarding not caring about correcting his mores and the note he wrote in the margin both fit with his unapologetic attitude. In a different letter to the Governor, Marty wrote: "J'ai des morales douteuses, plus bas que rien."²⁶¹ His behavior, then, was not a secret; even the Governor had heard of him. In fact, homosexuality was not a foreign concept at the *bagne*; it was tolerated to a certain extent, given the predominantly male composition of the prisons. The biggest problem seemed to be that Marty engaged in these practices frequently and unabashedly. This blatant behavior might have

²⁶¹ ANOM H 4487/16426 MARTY, Henri. Letter from November 7, 1939.

also been at the root of his uncommonly long record of misdemeanors. Thus, Marty was a recidivist whose sexual practices were criminalized at the time, but these things still did not explain the label of ‘*aliéné*.’ Yet Marty was classified as a *relégué aliéné* during his last decade in French Guiana.

Towards the end of his time in the *bagne*, Marty’s evaluations finally revealed that he had syphilis and suffered from partial paralysis. It is not clear whether he arrived at St. Jean suffering from the initial stages of the illness. The administrators, and now the doctors also, made clear in his file that Marty suffered from hallucinations. In 1945, he was institutionalized at the asylum for “abnormal behavior,”²⁶² and later in the 1940s he was classified as an “*aliéné débile*,” meaning that he had lost his physical capacity to work. Due to his hallucinations and constant admissions into the asylum, Marty was not able to keep track of his institutionalizations at the St. Laurent asylum. The Penal Administration showed no mercy in view of his illness. During his last decade at the *bagne*, Marty was transferred from St. Jean, to prison, to a camp with the *transportés* of Ile Royale, and back to the asylum at St. Laurent. He asked for individual relegation numerous times, but each time he was refused the right. Finally, in 1950, the doctors and administrators agreed that despite his hallucinations, Marty was a good worker – presumably he had lighter tasks, as the handicapped *relégués* did – and inoffensive.²⁶³ Nonetheless, this favorable view came too late. After the closing of the *bagne*, Marty was released from relegation altogether in 1952.

²⁶² This could either be a reference to hallucinations or to homosexuality. Even though some relegation files did explicitly cite cases of pederasty, homosexuality was usually referenced through euphemisms (i.e. immoral acts, abnormal behavior, practices due to overcrowding). In Marty’s case, the reference remains ambiguous.

²⁶³ ANOM H 4487/16426 MARTY, Henri. Letter of February 5, 1950.

By discussing Pelzer, Marty, and the other *relégués* in regards to medicine and insanity, I wish to illustrate my main argument, which is that the *relégués* with a medical condition, especially those who were classified as *aliéné*, typify the figure of the incorrigible in the eyes of social scientists, magistrates, and prison administrators. More than the great majority of *relégués*, whom the prison guards also categorized as incorrigible, the *aliénés* seemed to demonstrate an extraordinary refusal to amend. In the case of those whose insanity was disputed, it was not just the jurisprudence that concluded that the individual was unreformable; the doctors who served as consultants in the courtrooms contributed to the criminalization of mental instability. Relegation was in great part a product of this medico-judicial verdict. The ellipses in Marty's file, for instance, allowed doctors and penal administrators to confound homosexuality with vagrancy and ultimately with incurable criminal behavior punishable by a slow death at the *bagnes*. In the court and at the *bagnes*, vice and insanity were confounded, and the punishment sought to correct insanity as it would any other voluntary and thought-of delinquent act. Since mental illness was misunderstood and the solution was superficial – confinement without real medical treatment – the issues with the *aliénés* resurfaced in the penal colonies. Marty shared a common fate with all the other *relégués*: ambiguous sentencing that served to correct an often unmentioned crime, the reluctance to help an ill *relégué* until it became too late, and imprisonment instead of institutionalization. Instead of being relegated for vagrancy and theft, a closer read reveals that Marty was exiled for living as a male prostitute. In this particular case, the severity as well as the recurrence of his punishment might have been due to the guards' animosity towards him. At the national scale, the medico-legal professionals and sociologists who controlled the fate of the *relégués* did not have much to contribute on the way to redemption.

Tropical medicine for a tropical exile

While sociology and psychiatry were increasingly leaking into and informing jurisprudence on the metropolitan state, at the turn of the century another branch of medicine would also determine the medico-legal treatment of the *relégués*: colonial medicine. The *relégués*, as French citizens exiled to the colonies, never fit into a strictly colonial or metropolitan mold. On one hand, they were exiled from France for failing to conform to the Republic's behavioral code. According to lawmakers, this was the group for which all efforts would prove fruitless even in the country's prisons. On the other hand, the *relégués* were neither voluntary settlers nor indigenous to the colonies where they lived, so they did not fit a colonizer/colonized frame either, even though they shared many of the misfortunes and mistreatments to which indigenous populations were subjected under French colonial rule. Since the eighteenth century, deportation to the colonies remained a frequent practice, and this continuous dialogue between France and its penal colonies eliminated the possibility of a unilateral relationship between the metropole and the colonial territory. Because the law provided for exile to the French territories, and the *relégués* became part of the French colonial empire, social issues other than the removal of these criminals from the metropolitan prisons were at stake. Imperialism was not merely a geopolitical strategy but an influential paradigm over social sciences such as criminology and sociology, sciences that also acquired imperialistic precepts in their theoretical constructs.²⁶⁴ This is another reason why a study of any type of convict transportation is incomplete without an analysis that uses the lens of imperial studies. Furthermore, the development of colonial medicine and its influence over the scientific discourse in the metropole forces us to consider the French metropolitan criminal justice system by necessarily taking into account the colonies.

²⁶⁴Julian Go, *Postcolonial Sociology* (Bradford: Emerald Group, 2013). Go explains in the introduction how sociology collaborated with the imperialist enterprise.

Tropical medicine is not only relevant because it attended to those who lived in the colonies, but because the discipline helped shape wider tactics of imperialism, and even the goals of colonization. In *Medicine & Empire*, Pratik Chakrabarti explains how European imperialism profited and grew from this mutualistic relationship with the discipline: "... from the seventeenth century, precisely when medicine was thus becoming modern or European, it was becoming colonial as well. Each major development in European medicine had a colonial counterpart...."²⁶⁵ According to the author, one could not have developed without the other because tropical medicine mixed European medical knowledge with local practices, while the physicians granted their respective empires a moral mission. Syncretic medical practices that intertwined the treatment of local populations with the recently discovered fields of bacteriology and parasitology gave the colonizing process a veil of "constructive imperialism."²⁶⁶ Further, according to the author, colonial medicine was not only a field of science but also "a medicine for the empire, where diseases were the 'great enemies of civilization.'"²⁶⁷

The epistemological unconformity of the "incurable but curable" deviant that *relégués*, and especially the *relégué aliéné*, supposedly incarnated was also due to the empire's medical professionals. Tropical medicine played a great role in the condemnation and exile of these criminals, similar to how psychiatry influenced trials according to Michel Foucault. In fact, it was through medical terms that the "tropics" came to be defined.²⁶⁸ Nevertheless, tropical

²⁶⁵ Pratik Chakrabarti, *Medicine & Empire: 1600-1960* (New York: Palgrave Macmillan, 2014), xv.

²⁶⁶ Chakrabarti, *Medicine & Empire*, xii.

²⁶⁷ *Idem*, p. 143.

²⁶⁸ On this, Chakrabarti writes: "These new medical investments, research and surveys in the tropical colonies that developed in parallel with the expansion of the empire from the late nineteenth century, primarily in the British Empire, is often known as tropical medicine. Gradually this emerged as a medical specialization in which other European imperial powers, such as the Dutch, the Belgians, the Germans and the French, participated. By the twentieth

medicine cannot be understood as a uniform field emerging from one school, given the geographic breadth of the “tropics” and the array of sciences dedicated to their study.²⁶⁹ Paradoxically, the colonies and colonial populations acquired their categorization as disease-ridden largely due to medical research in these areas. Miasma, cholera, malaria, yellow fever, and insanity came to be associated with the warm climates and therefore with the larger part of the colonial territories. During the nineteenth century, doctors conducted their studies on the causes of illnesses that they believed to be geographically limited to all tropical climates. At the advent of parasitology and bacteriology, the tropics were associated with insalubrity. The metropolitan idea of degeneration translated to the colonies as well.²⁷⁰ Not only were the colonizers exposed to these colonial illnesses, they and their descendants could also suffer from degeneration by being exposed to these dangerous climates.

The tropics and recidivism suffered the same stigmatization; they both represented all that was deemed inherently noxious. In fact, tropical medicine granted relegation legislators the discursive tools on contagion and the theoretical base to declare a need to distance recidivists in the colonies. Following this history, it seems less strange that the French (as the British had done earlier in the century) decided to send incorrigibles and deviants to a place that, in their view,

century, what came to be known as tropical medicine was a composite and, to some extent, amorphous medical tradition. On the one hand, it incorporated the several medical, environmental and cultural experiences and acumen that Europeans had gathered in warm climates over the last 200 years of colonialism. On the other hand, it incorporated newly emergent germ theory and parasitology, which shifted medical attention from diseased environment to parasites and bacteria. Tropical medicine can therefore be defined as a medical specialization that developed by the end of the nineteenth century, which was based on the idea that certain diseases were caused by pathogens which were endemic or peculiar in the tropics.” Chakrabarti, *Medicine & Empire*, 141.

²⁶⁹ This certainly was particularly the case of France where Paris, Bordeaux and Marseille had each colonial medicine faculties, and where the schools’ priorities varied according to the cities’ commerce and not the colonies per se. See Osborne, *The Emergence of Tropical Medicine in France*, Chapters 4, 5 and 6.

²⁷⁰ Chakrabarti, *Medicine & Empire*, 65.

was already disease ridden and irreparable. Tropical medicine in the nineteenth century equated the tropics with all that was unwell, including criminals. In fact, considering tropical medicine and its different branches allows us to reinsert relegation in a more comprehensive ideological frame, especially in regards to the advances of bacteriology. Relegation joined the discourses on colonial medicine by way of the degeneration theory, an idea shared by colonial as well as metropolitan physicians. Following bacteriology's new findings, criminality too could propagate, and the individuals affected – as if afflicted with cholera – belonged in a distant colonial space.

The link between bacteriology and criminology is not a clear one at first, but through a shared campaign to hygienize and distance contagious elements, both sciences shared a common aim. In *Medicine and Empire*, Patrik Chakrabarti explains this passage from bacteriology to hygiene in the social sciences:

Physicians believed that moral miasmas corresponded to physical ones; moral filth was as much a concern as physical filth. Now germs represented filth in both sanitarian and moral terms. The theory of the “human carrier” of germs, which suggested that even healthy individuals can carry germs in their bodies and infect others without themselves showing symptoms of the disease, reinstated medical segregation based on race and class. Thus the eradication of germs also became acts of cleansing: of filth, unclean habits and prejudices, and even segregating unwelcome races and ethnic groups. In other words, Pasteurian scientists, public health officers, vaccinators and governments saw the eradication of diseases in the tropics or among the poor not just as practices of the immunization of germs but as acts of social and cultural reform. These ideas of filth and germs found new meaning in the tropical colonies where imperial medical men represented themselves as being involved in a moral crusade against colonial and tropical

germs, diseases and prejudices. Bacteriology in the colonies became the new symbol of scientific and industrial modernity. Pasteurization and vaccination promised commercial and industrial progress in the colonies. Thus the eradication of germs often symbolized the eradication of barbarism.²⁷¹

Thus, degeneration and the fear of contagion were shared worries among physicians and sociologists equally. Degeneration could affect the popular classes in France as much as the colonial inhabitants, colonizers as well as the colonized.²⁷² In both metropolitan and colonial spaces, the fight against physiological ailments was also a moral one, and the solution was controlling the spread of pathogens and creating distance from infectious bodies, whether bacteria or criminals. In this way, though at first glance bacteriology would seem to have nothing in common with criminology, a closer study reveals the opposite: relegation owed a great many of its postulates on incorrigibility, degeneration, and contagion to microbiology and tropical medicine. The empire's medical advancements and discoveries fed into the metropolitan social theories, creating fears about social contagion; through the transportation of criminals, precepts of microbiology and tropical medicine were reshaped, and the theory of contagion was exported back to the colonies. Relegation, then, remained imperial in its provisions as well as in its genesis.

A second paradigmatic approximation to bacteriology could be done by way of psychiatry, and especially colonial psychiatry. In *Colonial Madness*, Richard Keller explains how

²⁷¹ *Idem*, p. 168. He adds that: "Germs provided scientific validity to political, economic and social discrimination and segregation." Chakrabarti, *Medicine & Empire*, 168.

²⁷² Eric Jennings explains how degeneration was thought to affect both the local colonized population as well as the colonizers who spent a considerable amount of time in the colonies. The solution, at least for the colonizers, was to acclimatize to the colonial climate so as to resist better the local illnesses. See Eric Jennings, *Curing the Colonizers: Hydrotherapy, climatology and French Colonial Spas* (Durham: Duke UP, 2006).

psychiatrists in the colonies proclaimed to be implementing Dr. Pinel's humanizing treatment, though these psychiatrists' practice ended up concealing the empire's political agenda. According to Keller, psychiatrists in the colonies offered to cure the indigenous population but did so by way of dehumanizing them and declaring them barbaric and possessing a biological propensity toward insanity.²⁷³ Keller explains throughout his book how some psychiatrists in the colonies tried to distance themselves from this imperial overtone and to distinguish the colonial asylums from the prisons, which they resembled too much.²⁷⁴ However, far more interesting than these institutions resembling prisons is the fact that some colonial psychiatrists compared themselves to Pasteurians. According to Keller:

Hygienists such as Toulouse and Dupouy also suggested the novelty of their approach by adopting the language of microbiology. ... Toulouse argued that mental hygienists were effectively Pasteurians without microbes. His writing drew strong parallels between the risk of madness and that of infectious diseases such as tuberculosis, encephalitis, and syphilis in modern industrial society, and he insisted that prophylactic living offered the most effective means of ensuring mental and physical health. Toulouse and his

²⁷³ Richard C. Keller, *Colonial Madness: Psychiatry in French North Africa* (Chicago: University of Chicago Press, 2007). "I suggest that French colonial physicians' reading of madness in North Africa consistently invoked the theme of the "suffering native": a figure who at once signaled the collapse of an exotic society into a state of morbid decay and heightened a sense of French accomplishment in a recalcitrant zone. Through its emphasis on the humanitarian impulses of medical progress, the Pinel legend echoed a range of other colonial mythologies of regeneration and renewal. It suggested the capacity of psychiatry science to blaze a pathway of enlightenment through a landscape of sickness in order to conquer the tyranny of madness and injustice in a space that colonialists imagined as having rejected modernity centuries earlier. As Françoise Vergès has argued, both the Pinel legend and colonial psychiatry function as "screens" that concealed political agendas with medical language. Psychiatric reformers promised the emancipation of North Africa's Muslim population from its own barbaric customs, but, as with the colonial civilizing mission, the deliverance they promised entailed the expense of a transition to European institutionalization." Keller, *Colonial Madness*, 22.

²⁷⁴ *Idem*, p. 52.

colleagues went so far as to suggest that the new psychiatry was a *laboratory* discipline.²⁷⁵

Thus, the language of parasitology and microbes permeated not only the field of criminology, but of colonial psychiatry as well. Contagion through parasites, illnesses circumscribed to the colonies, and geographic determinism were discourses that cut across metropolitan and colonial sciences. This was in part because these sciences themselves were not restricted to either territory. In the colonies, illnesses were related to the climate and genetics. In the metropole, a similar idea of genetic degeneration and milieu was used to target the destitute classes, re-categorized as crime-prone classes. Once targeted under the relegation law, these metropolitan individuals were then relegated to the colonial territories. Scientific discourses from the social and medical sciences did not present an opposition to this likening of criminals to the indigenous illnesses at the colonies or the French metropolitan maladies. Concerning relegation, it was hard to distinguish the rival discourse, such as Bérenger and his parole law, when all disciplines surrounding the *relégués* relied on the same medical metaphors. The French imperial dynamics in 1885 further ensured this hermeneutic reconciliation between the ‘illnesses of the colonies’ and the ‘ailments of the metropole,’ and the recidivists were exiled to the colonies without a second thought.

Through this merger of criminology and tropical medicine, imperialism remained a key factor when determining why relegation lasted so long into the twentieth century. As Foucault suggested, the medico-legal apparatus had already incorporated jurisprudence and the treatment of the insane into a great system for the social removal of outcasts and confinement. In the metropole, then, the approximation of the immoral-insane-criminal was achieved through the

²⁷⁵ *Idem*, p. 54.

incursion of psychiatrists into the courtroom. What further sealed the fate of relegation was that the very empire that allowed recidivists to be exiled to the colonies also enabled the scientific basis not only to remove these individuals categorized as dangerous, but more importantly to assimilate these criminals as the colonial inhabitants of the territories where they were relegated.

Léon Sacquet

The ideas of degeneration and the tropics' insalubrity were shared by the *relégués* themselves, as well as their families. Léon Sacquet is another case of a *relégué* marked as '*aliéné*' whose records provide a view into the ideas of colonial illnesses and their relation to psychiatry. Sacquet had been sentenced to six months of prison and relegation in 1920, at the age of twenty-eight, for theft and assault and battery. He had stolen a wallet containing .95 F and another containing 20 F. His file includes numerous references to a history of psychosis, which was related to the war experience in one of his medical records. Léon insisted that the authorities should have consulted his medical record on the matter, but the prosecutor replied that such references to "a defective mental state" did not deserve attention.²⁷⁶ When Sacquet's complaints became too frequent, the authorities then sought a diagnosis from the camp's doctor. Sacquet's mother, in charge of her son's pardon plea, wrote to assure the authorities that his insanity was also due to his father's alcoholism; the problem, she wrote, was that Léon "was born of a dad who drank."²⁷⁷ The doctors in charge at the *bagne* also assured the administrators that Léon's illness was genetic. Rather than the effect of war, Sacquet's insanity was explained by way of degeneration.

During his sentence in French Guiana, Sacquet spent a considerable time institutionalized at the asylum of the Iles de Salut. Even though he applied for individual relegation and employment

²⁷⁶ ANOM H 3723/12942/B SACQUET Léon. Letter of December 15, 1922.

²⁷⁷ ANOM H 1816/SACQUET Léon Louis Armand.

(as an *engagé*), he was continually denied the rights. In his numerous letters, he wrote about his punishment, the conditions at the penal colonies, and the climate. In a letter to the prosecutor, Sacquet wrote about the “colonial ills” he faced, and also discussed the principle of rehabilitation through work. Léon complained that he had “caught the colonial fevers while working the muddy fields.”²⁷⁸ He complained to the prosecutor that he wanted to leave the deadly territory of Guiana and that “there were plenty of other countries where workers could do their job even if they could not return to their homeland.”²⁷⁹ To his mother, he intimated: “I find myself in this country of fire, always sick, with fevers and illnesses from this country of insalubrious savannas.”²⁸⁰ Sacquet’s complaints, however, remained directed at the penal administration and not the medical corps. In fact, he trusted entirely the physicians and psychiatrist in charge of his care, whom, he believed, were the only ones concerned with the miserable situation of the *bagnards*. In 1923, while at the hospital, he wrote: “I do not question the medical responsibility, which I respect and that is our sole help in our infamous situation. I believe it to be competent and incapable [of mistreatment] as it happens.”²⁸¹ Doctors serving in the colonies had a more nuanced opinion of their patients’ maladies, and those who worked in the *bagnes* also sometimes protected the *bagnards* against the guards’ abusive treatment by extending their stays in hospitals, for instance.²⁸² Sacquet’s proximity to the physicians while he was admitted to the asylum might explain where Sacquet read or heard about the “colonial ills” of which he complained to his mother.

²⁷⁸ ANOM H 3723/12942/B SACQUET. Letter of August 22, 1922.

²⁷⁹ *Idem*, Letter of August 17, 1922.

²⁸⁰ ANOM H 1816/SACQUET Léon Louis Armand. Letter of August 23, 1924.

²⁸¹ *Idem*, Letter written from the Hospital of St. Laurent on January 10, 1923.

²⁸² See Toth, “The battle over the *bagnard*: Tropical medicine in the *bagne*” in *Beyond Papillon* and Osborne, *The Emergence of Tropical Medicine in France*.

Sacquet's correspondence reveals the fine line between his obsessions and insanity and the real problems of the *bagnes*. On the one hand, his file contains abundant proof of his mental instability: there are multiple letters denouncing the theft of a watch, he wrote long letters to his local bishop and lawyer, he obsessed about his health and food, he asked the syndicate of grocers to help him obtain liberty, and so on. On the other hand, even though it was obsessive, Sacquet's correspondence demonstrated more lucidity than might be expected from a prisoner classified *aliéné*. He complained about very concrete problems at the relegation camps and about the system in general. The penal administration, however, did not tolerate criticism. In fact it was the volume and not the complaints themselves that the administration used as evidence against Sacquet. As in the case of Henri Marty, Sacquet's insanity was finally proven by way of his criticism of the penal administration. Faced with such accusations, administrators opted to institutionalize Sacquet not as humane treatment but as a disciplinary measure. Sacquet complained that he was wrongfully hospitalized. The Minister of the Colonies ordered an investigation, and the Governor of French Guiana forwarded him a copy of the doctors' report. Before discussing Sacquet's psychiatric record, the Governor clarified that the *relégué* "vit dans un état de surexcitation continuelle, écrit à tort et à travers soit pour incriminer injustement ses Chefs ou les offenser par des expressions malveillantes, soit pour solliciter des faveurs interdites par le règlement." Before alluding to Sacquet's psychological problems, Governor Cantau undermined any claim that Sacquet might have made about the penal administration and the treatment he received. In the report attached to the Governor's letter, Morin, the doctor in charge of relegation, wrote that Sacquet

suffers from interpretation and judgment delirium, along oneiric delirium and a slight persecution complex. ... He suffers from progressive systemic psychosis of hereditary

origins. From this, I conclude that Sacquet has a largely attenuated responsibility; this responsibility is neither completely, nor continually attenuated. This attenuation might have increased due to his war wounds and it might increase even now due to the influence of exterior agents (temperatures, excitation...) until Sacquet's reasoning and intelligence definitely wither.²⁸³

The doctors concluded that Sacquet was not responsible for his actions, thus declaring him insane. From 1923 until his release in 1929, Sacquet remained at the asylum of the Iles de Salut. Sacquet had a psychiatric record that anteceded his relegation, yet the court and the penal administration disregarded his medical background in order to apply an exile sentence. At the penal colonies, Sacquet unsurprisingly represented a challenge for the administration, which sought too late to provide him permanent psychiatric attention instead of imprisonment. His behavior may have been neurotic, but Sacquet's case illustrates how the colonial prison administrators, too, were unstable.

Conclusion

The *relégués aliénés* witnessed how doctors and psychiatrists determined the outcome of their relegation sentences from before their condemnation until they died in the colonies or, amnestied, returned home. The moment mental troubles loomed on the horizon, a strong contingent of medical professionals informed the jurisprudence of the incorrigibility, immorality, or degree of insanity of these *relégués*. Interestingly, these doctors shared no consensus within prisons or across institutions. Furthermore, scientific advances in the colonies as well as criminological studies in the metropole simultaneously shaped the medical discipline's approach to mental illness. Criminal justice, psychiatry, and medicine extracted metaphors from the

²⁸³ ANOM H 1816/SACQUET Léon Louis Armand. Letter of May 13, 1923.

developing fields of parasitology and bacteriology, which, in turn, were disciplines crucial to colonial expansion.

Even if these *relégués* who suffered from mental illnesses had never left for French Guiana or New Caledonia, their trials and treatment in France would have been informed by developing sciences in the French colonial territories. Psychiatrists were experimenting with new asylums in the Maghreb, practices that they would later export to France.²⁸⁴ At the same time, while they built these new institutions, some severe cases of insanity were transferred to France for intensive treatment.²⁸⁵ Psychiatry in the metropole, then, incorporated the research done in the French territories. Criminal justice also increasingly turned towards metropolitan psychiatrists for advice. These experts gave their opinions during a few trials and became the magistrates' guides in cases of insanity and determination of personal will. Previously, through the law of 1838, legislators had tried to categorically separate the insane from the criminal, but the definition proved too vague as the study of the human mind advanced. Research in the colonies in a field increasingly known as 'tropical medicine' supplied the comparison needed to equate contagion to environment.

In this way, the *relégués* could not avoid an all-encompassing theory that related their behavior to their social background and their "insalubrious" background to the colonies. Ideas of inferior races, of disease-stricken tropics, and of degeneration created the distance necessary to

²⁸⁴ On the plan to export back to France the colonial asylum model, see Keller, *Colonial Madness*, 18. Chapter 2 of the same book, "The Shaping of Colonial Psychiatry: Geographies of Innovation and Economies of Care" explains particularly the sites where colonial officials and psychiatrists planned to build new asylums which would include innovative facilities and whose space would allow non-traditional treatments.

²⁸⁵ Keller, for instance, explains how some patients were shipped to asylums in Marseille in order to receive treatment in France and because the voyage was deemed beneficial to their mental health. Keller, "Pinel in the Maghreb: Liberation and Confinement in a Landscape of Sickness," in *Colonial Madness*, 41.

assimilate the *relégués* to the colonies, which in medical terms already contained insalubrious and dangerous elements. Even when the physicians in charge of the *bagnes* and prisons realized that hygiene and better psychiatric treatment would enormously benefit the *relégués* and prisoners, the penal budgetary priorities did not allow changes until the situation became dire and irreparable.

Some *relégués*, like Léon Sacquet, found the hospitals and asylums to be places of refuge in comparison to the prisons and relegation camps. *Relégués* also understood the predicament that the prison doctors faced – interested in helping the prisoners but unable of carrying out big reforms. Even though *relégués* like Henri Marty criticized the tyrannical treatment of the *relégués* in the penal colonies, others, such as Léon Sacquet, shared alongside doctors and guards a belief in theories of miasma and the insalubrious tropics.²⁸⁶ In this way, the medical discourse that equated the colonies with a dangerous environment had also reached the prisoners.

Ironically, the *relégués* categorized as *aliénés* were the best suited to analyze and criticize relegation because they could compare the psychiatric ward to the prison, and the asylum at the Iles de Salut to the camp at St. Jean. Even though psychiatrists in the courts or at the penal colonies had stripped the *aliénés* of any right to contribute – and in the case of Sacquet, for instance, even the governor undermined the *relégué's* accusation – the *aliénés* were well informed of the cracks in the system that diagnosed and imprisoned them. Sacquet and Marty remained surprisingly clear in their claims against the administration. In the case of Sacquet, he had a medical file that certified that his war wounds had caused him mental problems before relegation. Pelzer, too, had been interned in an asylum twice before relegation. These subjects, in

²⁸⁶ For instance, the *relégués* also wanted to have mosquito nets and worried that the warm climate would affect them.

a way, were psychiatric recidivists; they had known the psychiatric as well as the prison institutions in France and in the colonies.

The French colonial empire provided more than the territory where relegation was carried out; it influenced the metropolitan view of crime. The exchanges between the colonies and metropole gave way to a medical science that helped cement the criminological theories on criminality's contagiousness, almost as if crime behaved as a bacterial infection. Colonial medicine provided the discursive tools to target the insane and categorize them as subject similar to colonial (colonized) citizens. Thanks to the earlier incursion of doctors in the courtroom, the medico-judicial professionals and legislators integrated these new scientific concepts into their notion of incorrigibility and defense of relegation. These psychiatric and criminological theories that fed on tropical medicine intersected with the cases of the *relégués aliénés*, whom legislators, jurists, and criminologists deemed dangerous, infectious, and incurable.

Conclusion

In 1896, the Patronage des Libérés, an organization that was formed under the tutelage of the Société Générale des Prisons, held its third congress in Bordeaux. Buried alongside Lué's letter denouncing the hecatomb at the relegation camps, in the archives there lies a program for an invitation to this conference.²⁸⁷ Considering that the Patronage served the community of liberated prisoners in France, the invitation was addressed to an unexpected attendee: the Minister of the Colonies.

The Patronage had organized two national congresses previously in Paris and Lyon. The organization aimed to regroup the different *sociétés de patronage* across France. These societies were Christian and secular organizations that served as rehabilitation centers for recidivists, and especially for juvenile recidivists. These institutions had multiple arrangements, from youth detention centers oriented towards agriculture (*colonies pénitentiaires* or *colonies agricoles*) to trade education centers, industrialized centers and factories, and even religious educational centers. These associations aimed to make the transition from prison into society easy for the ex-prisoners. Charles Petit, counsel at the Court of Cassation, presided over the Patronage. The directive commission also included Senator René Bérenger, vice-president of the Senate, who had previously opposed the Law of Relegation and had presented his own two laws (1885, 1891) to combat recidivism. Thus, the *sociétés de patronage* were sponsored in great part by religious philanthropists and political conservatives.

At the heart of its program, the board of the Patronage intended to address the issue of reintegration of the liberated prisoner. The foundational charter stated: "S'il est nécessaire, en effet, de ne pas abandonner seul, dans sa cellule, à toutes les funestes suggestions de l'isolement,

²⁸⁷ ANOM H 1839 Correspondance des particuliers. Patronage des Libérés. Letter of May 2, 1896.

celui qu'un premier égarement a pu ne pas perdre à tout jamais, il ne l'est pas moins de ne pas le laisser, à sa sortie, sans appui, sans protection, sans direction, exposé à toutes les tentations de la misère et de l'oisiveté."²⁸⁸ The congress at Bordeaux was divided into three major themes: men, women, and children and teenagers. Among the main questions to be addressed were military enrollment for the homeless, the publication of a weekly journal for prisoners, the moralization of women in prison, and measures to combat homelessness among children. During the convention, the attendees also had scheduled visits to the *colonies agricoles* in the area such as Sainte-Foy, Saint-Louis, and l'Orphelinat Agricole de Gradignan.

The Minister of the Colonies was invited to serve as honorary chairman along with the Ministers of the Interior, Justice, and Instruction. However, this was the first time that the Minister of the Colonies had been invited to participate in the event. The Patronage had invited the Minister in view of his role concerning incarceration, "the heavy task of overseeing the execution, out of France, of the gravest condemnations that Justice had pronounced"²⁸⁹. Written in pencil over the text of the invitation was the question: "Whom could we send as a delegate?" The Minister replied that he would send the Ministry's Head of the Office of Penitentiary Services, G. Schmidt.²⁹⁰

The invitation extended to the Minister of the Colonies to attend a congress on social reinsertion and rehabilitation of former prisoners synthesizes how both criminology and colonialism became increasingly intertwined from the end of the nineteenth century to well into the early decades of the twentieth. Even though transportation to the colonies was enacted in

²⁸⁸ *Premier Congrès National du Patronage des Libérés*. Paris, 1894. *Gallica*: accessed July 24, 2015.

²⁸⁹ ANOM H 1839. Correspondance des particuliers. Patronage des Libérés. Letter of May 2, 1896.

²⁹⁰ ANOM H 1839 Correspondance des particuliers. Patronage des Libérés. Letter of May 19, 1896.

1854 and many *sociétés de patronage* were founded during the mid-nineteenth century, the issues of recidivism, rehabilitation, and permanent reinsertion into society did not integrate into a cohesive colonial and metropolitan initiative until the enactment of relegation. This newfound interest in integrating the Ministry of the Colonies in national ventures was due in great part to how the Third Republic had restructured imperial politics in the post-Ferry republic. For instance, since 1889 the Parti Colonial served as a political lobby for colonial (colonialist) interests.²⁹¹ As I explained in Chapter 4, other interest groups and organizations, such as the schools of tropical medicine and of colonial psychiatry, advocated for colonial expansion and peopling the colonies.²⁹² This increased attention to colonial affairs and colonial administration in the metropole merged, in the case of relegation, with the also-developing interest in criminological studies and the control of recidivism.

It was in great part due to the opposition led by Catholic and Socialist politicians that the issue of criminal relapse gained greater attention and that its treatment through colonial exile was problematized. The Patronage worked with those who tried to avoid relegation as the ultimate solution for recidivism and with the organizations that understood that relapse was in great part due to the uneven transition from prison back into society. The decision to invite the Minister of the Colonies to the Patronage's third congress indicates that, following relegation, a national initiative to amend recidivism at the level of the local courts did not suffice. Recidivists required remedial attention not only from the officials who were expulsing them from France, but also

²⁹¹ See Tyler Stovall, "The Republican Empire," in *Transnational France: The Modern History of a Universal Nation* (Boulder: Westview, 2015), 214-215.

²⁹² In addition to these institutions there were also schools for colonial administrators. In *Bringing the Empire Back Home*, Lebovics explains how the École Coloniale (later named the École Nationale de la France d'Outre-Mer) formed French civil servants with the specific purpose of sending them to the colonies and to serve as government officials abroad. See Herman Lebovics, *Bringing the Empire Back Home: France in the Global Age* (Durham: Duke University Press, 2004), 61-62.

from those in charge of the colonial camps. This loose archive is definitive proof of the incursion of imperialism in matters of recidivism, and furthermore, of how criminologists (such as Petit and Béranger) dealing first-hand with repeat offenders discerned a solution other than imprisonment and banishment. The participation of the Ministry of the Colonies in a national organization for *libérés* marks the indelible transition to a different type of empire and a different type of republic. In view of relegation and after the colonial expansion of the 1870s and 1880s, imprisonment and crime control in metropolitan France could no longer remain solely the domain of the Ministry of the Interior.

This invitation extended to the Minister of the Colonies intimates that the board of the Patronage also understood that relegation, even though it exiled French recidivists, had to be considered alongside metropolitan programs for social reintegration following liberation from prison. In the 1890s, it was clear that relegation administrators had to consider conjoint colonial and metropolitan solutions to recidivism. Through this involuntary exile to the colonies, thousands of French citizens were obligated to live in overseas territories and respond like all the other local denizens to the colonial administration. The real objective of the Law of Relegation was to shun repeat offenders from France and submit them to life so miserable that the majority found their death in the colonies. However, even though statistically the law was a form of death penalty for many of those exiled, discussing relegation solely as a punitive measure is too limited an analysis of what really happened in the colonies. Despite the restrictions that the law imposed, the *relégués* were able to navigate the colonial bureaucracy and the penal administration in order to survive in a position more similar to that of poor settlers than to prisoners whose most minimal liberties were curtailed. Despite their modest economic backgrounds and criminal lifestyles, the *relégués* wrote to the highest levels of the administration – ministers, lawyers,

priests, doctors and other officials – in an effort to better their conditions. They rearranged their family ties and adapted their work habits in order to leave the collective camps and fulfill the requirements for individual relegation. Life in no way stopped with their arrival at French Guiana or New Caledonia. Rather, the *relégués* undertook a colonial life.

An important function of this dissertation has been to demonstrate how relegation was an imprisonment that reflected the imperial mentality of the time. From the concept of the contagious dangerousness of petty criminals, to the decision to exile these criminals in the colonies, to the idea of rehabilitation through colonial agriculture, relegation was a colonial endeavor. In the first chapter, I explained how the 1885 legislators and the press exploited the unshapely concept of the “incorrigible” and then associated the term and the individuals described by it with the colonial territories. The unchanging statistics that the *Compte général de l'administration de la Justice* provided, as well as the time that the *relégués* had to serve in prison prior to relegation, both demonstrate that the urgency to empty the metropolitan prisons was mostly a rhetorical tool used during political campaigns. Since there was no sincere interest in reforming this group of petty criminals, the recidivists were deposited in the penal colonies and there faced disheartening odds on the way to rehabilitation. This transplantation of an ill-defined criminal class to the colonies happened because the terms ‘colony’ and ‘incorrigible criminal’ were banded together since both belonged at a distance from metropolitan France. The management of these recidivists became, like the colonial administration before it, an impenetrable bureaucracy whose categories and subjects remained of questionable epistemological origins. Following relegation, the *relégués* experienced colonial life in a similar way to other colonial citizens and colonized subjects. The colony (and not just the prison)

determined how their rights were curtailed or different from those of French citizens in the metropole.

After exile, the *relégués* faced estrangement from the metropole, a situation they shared with other French colonial subjects around the world. While they remained French citizens, the *relégués* experienced a reduction of rights following their sentences to relegation. This degradation was not just temporary, contingent to confinement, but a lasting effect while the *relégués* remained on colonial soil. As the cases in this dissertation illustrate, this curtailment of rights translated into different forms: denial of parole and *relégation individuelle* despite demonstrated amendment or financial status, discriminatory medical treatment, dissimilar paternity rights, and obligation to work in *corvées*, among other prejudicial deprivations. The *relégués* were trapped in a similar paradox to colonial citizens or subjects in that these rights had been administratively withdrawn or withheld because of an essentialist argument that posited that, as categorically different, recidivists did not deserve fair treatment. Similar to colonial subjects, the *relégués* were deprived from enjoying full paternity, land, or labor rights because they were defined as irreversibly inferior citizens. The greatest problem with this punishment was that the 1885 law forced thousands of those belonging to France's lower classes to become colonized *de facto*. In the penal colonies, the *relégués* adopted a colonial life and they became colonial subjects in all but name. This systematic elimination of an entire social stratum at the service of the French empire forces us to rethink the dynamics of empire and republicanism. The Law of Relegation illustrates how France enforced an imperial division within its own borders and among its French citizens.

In the second chapter, I discussed how the *relégués* were left on their own when attempting to reunify their families at the colonies or starting new families in the penal colonies. A few of

the most eloquent files on families and marriage allow us to dive into the procedural limitations that the penal administration placed in the way of new families and of exiting the collective camps. Even though the administration recorded the failure to form new families as a disciplinary issue (i.e. the *relégués* had not earned the right to leave the camp), the *relégués*' letters demonstrate that their behavior had little to do with the denials. The project of rehabilitation through settler families failed because the penal administration opposed this method. The regimen of relegation, as it was implanted, hindered family formation and rehabilitation through farming as the law intended.

The letters that the *relégués* left us highlight a second particularity regarding families in the penal territory: the *relégués* were very interested in obtaining farming lots and reuniting or starting their families in the colonies. Relegation was a concurrent project with the growth of the welfare state in fin-de-siècle France. Earlier in the history of transportation, women were also exiled in the interest of marrying them to other convicts. This changed fairly early in the history of relegation, and after 1907 no more women convicts were relegated or transported to the colonies. The 1907 law that prohibited female transportation is one of the clearest examples of how the French government redirected its view of families on metropolitan soil. Before the state granted greater attention to the situation of families (paternity especially) in an effort to reduce crime, the recidivists were disjointed from metropolitan family dynamics. Paradoxically, as the second chapter illustrates, the *relégués* were in fact very interested in maintaining their families, and not all renounced their roles as parents. The organization of these *relégué* families was not similar to the bourgeois ideal, but the bourgeois family was not the rule in France either, so this is no rule through which we could measure the *relégués*. The *relégués*, confronted with these impossible standards, learned how to negotiate with the administration through an economy of

the family; they adopted the practices (e.g. marriages, parenting, letter writing, pleas, work evaluations) required in order to be granted individual relegation. The *relégués* complied with bureaucratic procedures in order to escape the camps or rekindle their family ties. In France as in the colonies, the constitution of the family was increasingly determined by state regulations, so the *relégués* dealt with both colonial and metropolitan governments in order to organize or reconstitute their families.

In the third chapter, I explored another implication of studying relegation as a labor provision and the *relégués* as migrant workers, rather than solely as a penal system and prisoners. I study the relegation camps and the *relégués* under a different disciplinary organization: labor, and specifically, forced labor. Similarly to how they battled to maintain their families in the colonies, the *relégués* also navigated the penal and colonial administrations and claimed their rights regarding work opportunities. When they confronted the dead ends within the penal territory regarding farm lots, payment, and employment, the *relégués* procured jobs for themselves, often by defying colonial authorities and escaping from the penal territory. Ironically, the recidivists that France exiled cheated the system in order to obtain work in the way that the 1885 law prescribed. Their determination to find work in the penal territory or in surrounding countries, as well as the inspections that the colonial inspectors realized in the relegation camps, suggest that precariousness in the penal territory was not merely a matter of discipline.

The labor conditions to which the *relégués* were submitted were consonant with those of colonial subjects in other French territories and of forced laborers internationally. Perhaps even more than the theme of incarceration that is disproportionate to the crime committed, the question of abused migrant laborers is part of what makes this dissertation resonate with contemporary themes. The work the *relégués* accomplished under the supervision of the Ministry

of the Colonies was very different from the labor they had accomplished in prisons in France under the command of the Ministry of the Interior; thus, their life conditions do not compare exactly to those of prisoners. While in France, prisoners worked on a trade within prison; in the colonies, they faced the territory's climate, agriculture, political agenda, and colonial administration. This group of *relégués* constituted a coerced migrant workforce inserted into the French empire's labor relations. As was the case for the families that the *relégués* managed to form in the penal territory, an analysis of how the *relégués* fit within international labor schemes is possible through their personal accounts even though this connection was not highlighted in official memoranda.

In the fourth and final chapter, I illustrate how the penal administration (colonial and metropolitan) and the courts obliterated cases of insanity among the *relégués* by categorizing them instead as undisciplined, another discussion still at the heart of debates about incarceration today. This legal and medical move towards the criminalization of insanity greatly problematizes an analysis of relegation camps' performance and justification because it reveals how the selection process was corrupted. Medical advice during trials served to persecute all deviance, even involuntary behavior that arose from an illness, and not just deliberate criminal acts; it also provided a scientific argument to condemn immorality with relegation. The *relégués* who required immediate medical attention, and especially those who required psychiatric help, underwent treatment primarily by disciplinary institutions, such as asylums, prisons, rehabilitation centers, and juvenile prisons, among others. Doctors, judges, psychiatrists, criminologists, guards, colonial administrators, and even deputies evaluated these *relégués*' behavior and weighed in on their treatment. These evaluators were influenced by, or sometimes ignored, ongoing scientific research, including that in the field of tropical medicine, that shared

and contributed to the metropolitan discourse regarding geographic determinism, degeneration, and contagion. At the center of this confluence, the mentally ill *relégués*, who were examined and tried by all these professionals, served as the epitome of the deviant and undesirable character at the end of the nineteenth century until well into the twentieth. Furthermore, this convergence of medical and social sciences in the figure of the *relégué* marks the discursive conflation between deviants and colonial subjects. The *relégués* could not avoid an all-encompassing theory that related their behavior to their social background and their “insalubrious” background to the colonies. Ideas of inferior races, of disease-stricken tropics, and of degeneration created the distance necessary to assimilate the *relégués* to the colonies, which in medical terms already contained insalubrious and dangerous elements. Beyond France’s territorial expansion, the imperial mentality influenced its inner social dynamics and, in the case of relegation, its treatment of crime.

When I started the research for this dissertation, I set out to answer the question of why relegation had persisted if it remained a failed enterprise in terms of the death toll that it took on the *relégués*. As I read through the *relégués*’ files and letters, I realized that like many other scholars, I had set out to study a penal system as if it were detached from its colonial location. My initial study of an institutional failure falsely led me to assume that that relegation meant the end of the *relégués*’ active life. My close readings of their letters forced me to realize that in fact the *relégués* struggled to work arduously and to outlive relegation. I also realized that analyzing relegation as a dead end for the *relégués*’ lives obfuscated the more complex relation of the penal colonies with metropolitan France as part of the French empire. Imprisonment in France was a very different experience from relegation to French Guiana and New Caledonia. For starters, the *relégués individuels* lived outside of detention camps, and they had to cultivate their land or sell

their merchandise if they owned a small business. Relegation lasted as long as it did because it was part of the colonial system, and it had an enormous, multifaceted bureaucracy and disciplinary structure that guaranteed its perpetuation even if the majority of the subjects affected found their death in the colonies. Relegation also imposed itself over alternative treatments for recidivism, such as the ones the *sociétés de patronage* proposed. Relegation did not last solely because of the will to empty the prisons and urban centers of unwanted criminals; it lasted mostly because it was a subsidiary of the Ministry of the Colonies, and it relied on the previously established command of the Ministry and not only on the metropolitan penal administration. The indifference regarding the death toll, which I wanted to explain at the beginning of my research, was not an analytical dead end, but instead a limiting method for examining what was, at its heart, an experiment in colonization.

Originally, I believed I could prove that the *relégués* understood relegation differently from legislators and prison administrators. I discovered that they did not possess a radically different view of the regimen. Instead, I found out that the *relégués* saw relegation clearly for what it was – an ineffective way to rid France of criminals that was targeted specifically at the lower classes – but that their perception was more practical than the one shared by the penal administration, the relegation legislators, and the Ministry of the Colonies. The *relégués*' letters and files contain a more factual evaluation of the regimen of relegation because, unlike the administrators, inspectors, and colonial officials, the *relégués* could state the real reasons and particular circumstances for their evasions, unemployment, or illnesses, among other problems that plagued the camps. They left in their letters a timeline of breakdowns.

Throughout my research, the poorly defined “incorrigible,” who served as the Jack-of-all-trades of deviancy, remained a constant. Relegation remained a theoretically almost ungraspable

idea. Yet 20,000 recidivists experienced the shortcomings and the full weight of the 1885 law. The *relégués* tested their living conditions in prison and in collective or individual relegation camps, and some had additional experience with other disciplinary institutions such as the asylum or the rehabilitation centers. There were no coherent factors under which to assign any uniformity to this group of repeat offenders forced to live in exile. In fact, following the empire studies lens that I used throughout the chapters, I propose that the semantic instability of the term ‘incurable,’ as applied during the debate for relegation, served as a placeholder to suggest the similarity between the colonial subjects and the *relégués* as equally inassimilable characters. As Conklin explains in *A Mission to Civilize*, the Third Republic’s civilizing mission was originally centered around the idea of assimilation and only gradually changed through the course of the twentieth century.²⁹³ This cultural project of “civilizing,” or reforming, applied to both colonial and *relégué* populations.

As I wrote and confronted how my initial suppositions were confirmed or rebutted through the individual files, the *relégués* appeared as undoubtedly colonial subjects. First, the *relégués* primarily dealt with and confronted the Ministry of the Colonies, the governor of the colony, the Conseil Privé, and colonial inspectors, among other colonial officials and institutions. Second, the *relégués* were forced to adapt to the territory’s local climate and agriculture. When they possessed a farm lot or of a commercial concession, they were directly in contact with the local economy. At the collective camps, they also contributed to this economy through work in the colony’s infrastructure or through seasonal work at the territory’s private enterprises. The families they formed or reunited in the colonies were also determined by the colony’s needs. Third, the *relégués* shared a legal space similar to that of other colonial subjects, as opposed to

²⁹³ See Alice Conklin, *A Mission to Civilize: The Republican Idea of Empire in France and West Africa, 1895-1930* (Stanford, Calif: Stanford University Press, 1997) 6-7, 249-251.

that of French settlers or citizens across French colonies. Their labor and divisions into *corvées* corresponded to the labor and forced labor provisions under the *Code de l'Indigénat*. Their parenting rights and the constitution of their families were similar to those of colonial subjects in that their parenting or paternity rights derived first from their location.²⁹⁴ Finally, their psychological problems were compared to what were thought to be inherent deficiencies of tropical inhabitants.²⁹⁵ The *relégués* were colonial in all but their name.

From my research of relegation, I would seek to pursue a number of avenues for future research. The most fruitful discussion regarding relegation relates to family life. During my research, this was the theme on which the *relégués* demonstrated the greatest candor, and there are more archives on family life than on any other topic. Indeed, relegation legislators did not consider the recidivists' families to constitute an important limitation on relegation, but the criminologists and politicians who opposed relegation did. The opponents to relegation and some philanthropists, such as the founders of the different *sociétés de patronage*, had a better understanding of how recidivism and extended imprisonment affected families. Following relegation, family cohesion, when there was any, was severely strained. Therefore, it would be interesting to study how families that survived or formed in the colonies contrast to local families

²⁹⁴ See Jean E. Penderson's article "Special Rights: Paternity Suits and Citizenship in France and the Colonies, 1870-1912" in *Domesticating the Empire: Race, Gender, and Family Life in French and Dutch Colonialism*. Julia Clancy-Smith and Frances Gouda, ed. (Charlottesville: University Press of Virginia, 1998).

²⁹⁵ On this Richard Keller writes: "Early-twentieth-century psychiatrists, by contrast, tended to view the patient as an object suffering from organic disorders, and their suppositions stigmatized the patient by proposing that a lesser degree of mental complexity lay at the root of mental illness. Psychiatry thus corresponded much more closely to a colonial order that constantly reiterated native's biological inferiority, their simplemindedness, and their incapacity to adapt to modern civilization. ... [A]lthough colonial psychiatrists cared for European and North African Muslims in roughly equal numbers, their research in the twentieth century focused almost exclusively on natives as they attempted to establish a psychiatric hierarchy of races." Keller, *Colonial Madness*, 9, 13.

of other colonial citizens, colonial subjects, or colonial settlers. Such a study could also address the living conditions of the *relégués*' families once the *relégués* died. The spouses and children arrived through state subventions; they lived in the penal territory or managed to move out of the penal territory, but nonetheless remained in the colonies. The cases that I traced were not often about life outside the camps; studying the life of free concession holders might prove a very interesting avenue for better understanding how former recidivists adapted to the colonies away from the full control of the penal administration.

Although I focused upon family here, there is far more to be said about gender roles and relegation. Even though the sexuality and sexual practices of the *bagne* have been explored²⁹⁶, the links between recidivism and prostitution (as in the case of Henri Marty) or homosexuality prior to the *relégués*' arrival within the colonies, and not just as a consequence of the precariousness within the camps, could be further examined. The 1907 law that prohibited the relegation of women could also prove a useful chronological stamp for studying such questions in the camps.

The testimonies religious leaders left, especially the archives pertaining to the nuns in charge of the female relegation camps, are also rich resources to consider alongside relegation history. Two very specific groups were directly implicated in the history of the *bagnes*: the sisters of St. Joseph of Cluny and the Salvation Army. The nuns of St. Joseph of Cluny managed virtually singlehandedly the women's relegation camps. The Salvation Army greatly contributed to the final shutdown of the penal colonies and took part in the repatriation process after 1938.

This dissertation shows how the *relégués* became a hybrid group that bridged metropole and colony. After exile, they neither entered a historical void nor lost all agency. For this reason, they

²⁹⁶ See Toth, "Life in the Penal Colony: The View from Above and Below," *Beyond Papillon*, 48-58.

also cannot be studied only in relation to metropolitan penal and legal history, since the local colonial setting powerfully shaped their experiences. The first-hand accounts that the *relégués* left help paint a clearer picture of how distance, exile, and imprisonment affected their lives, which were now under a colonial administration. The inspectors, guards, and legislators did not have as much of an earnest stake in the camps as those who were imprisoned in them.

Second, once we reevaluate the *relégués* as colonial subjects, the implications of this new social position have a direct influence on our understanding of the Third Republic. When relegation was enacted during the second French colonial empire, French imperial dynamics extended the country's political sphere of influence, and not even in France could local life be entirely extricated from events in the colonies. Indeed, as Alice Conklin argues in *A Mission to Civilize*, "the empire also had an impact upon the culture of metropolitan France."²⁹⁷ Thus, the events that transpired in the colonies affected mentalities and politics in the metropole. The *relégués*' experiences demonstrate how French citizens in the metropole were not exempt from imperial judgments over their families, psychology, (un)employment, residence, sexual inclination, and degree of criminal proclivity. Through the legislators' formula for relegation, frequent deviation from the social norm signified a degradation of the criminal to the position of a colonial inhabitant; therefore, crime control was a national endeavor, but also a policy shaped by colonial experience. This belief, which was well engrained in the theories of degeneration, suggests that 'belonging,' 'identity,' and 'citizenship' were now considered through the prism of colonialism. Intersections between the history of criminology and empire suggest that we need to

²⁹⁷ See Alice Conklin, *A Mission to Civilize: The Republican Idea of Empire in France and West Africa, 1895-1930* (Stanford, Calif: Stanford University Press, 1997), 3, 5. The metropolitan repercussions of France's colonial empire are also the topic of Herman Lebovic's *Bringing the Empire Back Home: France in the Global Age* (Durham: Duke University Press, 2004). See Chapter 2, "What you did in Africa can you come back to France and do it?"

enlarge our view of the abject and the Other in regards to French colonialism. The *relégués*' experiences do not fit a binary, strictly colonial-metropolitan mold. Instead, they illustrate the diverse conditions (regarding citizenship, civil rights, and labor, among other things) that were possible under an imperial configuration.

Finally, this dissertation is by no means a sociological examination of imprisonment, nor does it pretend to link directly to any contemporary demographic studies of prison populations in France or in the United States. Yet reviewing the historical failures of relegation certainly highlights how the understanding and handling of petty crime and recidivism has not changed drastically since 1885. Once it is clearer how social scientists, politicians, penal administrators, and criminals coalesced following the Law of Relegation, it becomes easier to understand the current penal code and criminalization process.

In fact, the events regarding France's 2014's penal reform hold a strong resonance with the history of relegation. In recent years, France had been in the process of reevaluating the imprisonment sentence for misdemeanors. The current Minister of Justice, Christiane Taubira, has recently enacted the *loi du 15 août 2014 relative à l'individualisation des peines et renforçant l'efficacité des sanctions pénales*, a law that targets repeat offenders and reevaluates sentences that are shorter than five years in an effort to reduce both recidivism and the prison population.²⁹⁸ This new law seeks to correct the damage that the misdemeanor caused through other means before recurring to imprisonment. Many of these alternatives were the same as those that were proposed for relegation – for instance, community service, closer evaluation prior to social reinsertion, and enhanced monitoring following liberation.²⁹⁹ The enactment of this law

²⁹⁸ LOI n° 2014-896 du 15 août 2014, accessed July 24, 2015, legifrance.gouv.fr

²⁹⁹ Ministère de la Justice, "La réforme pénale: prévention de la récidive et individualisation des peines" accessed July 24, 2015, justice.gouv.fr.

reveals that the issues that the *sociétés de patronage*, religious groups, and Socialist politicians denounced in the 1880s and 1890s are still not fully attended today. For instance, the 2014 penal reform had to address the *sorties sèches*, or lack of sentence adjustment (*aménagement de peine*). These arrangements to make transition out of prison easier include vocational training or education, participation in family life, taking up work, or allowances to undergo medical treatment.³⁰⁰ Under the 2014 law, the recidivist's sentence is reviewed when he or she has accomplished two thirds of the time, and the officials also more closely monitor the liberated prisoner's situation regarding housing, employment, and drug addiction, among other transitional factors.³⁰¹ Many of these adjustments that the 2014 law seeks to correct in the transition from prison into society were already part of the Patronage de Libérés' plan for reintegration during the fin-de-siècle. One hundred and twenty-nine years after the enactment of relegation, France is still trying to control criminal relapse and excessive incarceration through individual reform.

Indeed, a historical examination of individual cases of deviancy instead of a consideration of groups of criminals might push some to rethink the still-relevant issue of recidivism and its treatment. Relegation might seem an exceptional measure that almost disappeared in the shadows of the greater transportation system, but the letters the *relégués* left attest to a very particular metropolitan and colonial venture. Through the enactment of relegation, the Third Republic set in motion its own national civilizing mission, which sought to reform through exile the petty criminals that it targeted as inassimilable.

³⁰⁰ See Annie Kensy, "Aménagements de peines et moindre récidive," *Criminocorpus*. *L'aménagement des peines privatives de liberté* (2013), accessed July 24, 2015.

³⁰¹ Ministère de la Justice. "La réforme pénale en images. Pourquoi faut-il préparer la sortie de prison?" accessed July 24, 2015, *justice.gouv.fr*.

Appendix: Legal texts

Loi du 27 mai 1885 instaurant la relégation des récidivistes

Le Sénat et la Chambre des députés ont adopté, Le Président de la République promulgue la loi dont la teneur suit :

Article premier : La relégation consistera dans l'internement perpétuel sur le territoire des colonies ou possessions françaises des condamnés que la présente loi a pour objet d'éloigner de France.

Seront déterminés, par décret rendus en forme de règlement d'administration publique, les lieux dans lesquels pourra s'effectuer la relégation, les mesures d'ordre et de surveillance auxquelles les relégués pourront être soumis par nécessité de sécurité publique; et les conditions dans lesquelles il sera pourvu à leur subsistance, avec obligation du travail à défaut de moyens d'existence dûment constatés.

Art. 2 : La relégation ne sera prononcée que par les cours et tribunaux ordinaires comme conséquence des condamnations encourues devant eux, à l'exclusion de toutes juridictions spéciales et exceptionnelles.

Ces cours et tribunaux pourront toutefois tenir compte des condamnations prononcées par les tribunaux militaires en dehors de l'état de siège ou de guerre, pour les crimes ou délits de droit communs spécifiés dans la présente loi.

Art. 3 : Les condamnations pour crimes ou délits politiques ou pour crimes ou délits qui leur sont connexes, ne seront, en aucun cas, comptées pour la relégation.

Art. 4 : Seront relégués les récidivistes qui, dans quelque ordre que ce soit et dans un intervalle de dix ans, non compris la durée de toute peine subie, auront encouru les condamnations énumérées à l'un des paragraphes suivants :

1^{er} Deux condamnations aux travaux forcés ou à la réclusion, sans qu'il soit dérogé aux dispositions des § 1 et 2 de l'article 6 de la Loi du 30 mai 1854;

2^e Une des condamnations énumérées au paragraphe précédent et deux condamnations soit à l'emprisonnement pour faits qualifiés crimes, soit à plus de trois mois d'emprisonnement pour :

Vol;

Abus de confiance;

Outrage public à la pudeur;

Excitation habituelle de mineurs à la débauche;

Vagabondage ou mendicité par application des articles 277 et 279 du Code pénal;

3^e Quatre condamnations, soit à l'emprisonnement pour faits qualifiés crimes, soit à plus de trois mois d'emprisonnement pour les délits spécifiés au § 2 ci-dessus;

4^e Sept condamnations dont deux au moins prévues par les deux paragraphes précédents, et les autres, soit pour vagabondage, soit pour infraction à l'interdiction de résidence signifiée par l'application de l'article 19 de la présente loi, à la condition que deux de ces autres condamnations soient à plus de trois mois d'emprisonnement. Sont considérés comme gens sans aveu et seront punis des peines édictées contre le vagabondage tous les individus qui, soit qu'ils aient ou non un domicile certain, ne tirent habituellement leur subsistance que du fait de pratiquer ou faciliter sur la voie publique l'exercice de jeux illicites, ou la prostitution d'autrui sur la voie publique.

Art. 5 : Les condamnations qui auront fait l'objet de grâce, commutation ou réduction de peine seront néanmoins comptées en vue de la relégation. Ne le seront pas celles qui auront été effacées par la réhabilitation.

Art. 6 : La relégation n'est pas applicable aux individus qui seront âgés de plus de soixante ans ou de moins de vingt ans à l'expiration de leur peine.

Toutefois, les condamnations encourues par le mineur de moins de vingt et un ans compteront en vue de la relégation, s'il est, après avoir atteint cet âge, de nouveau condamné dans les conditions prévues par la présente loi.

Art. 7 : Les condamnés qui auront encouru la relégation resteront soumis à toutes les obligations qui pourraient leur incomber en vertu des lois sur le recrutement de l'armée.

Un règlement d'administration publique déterminera dans quelles conditions ils accompliront ces obligations.

Art. 8 : Celui qui aura encouru par application de l'article 4 de la présente loi, s'il n'avait pas dépassé soixante ans, sera, après l'expiration de sa peine, soumis à perpétuité à l'interdiction de séjour édictée par l'article 19 ci-après.

S'il est mineur de vingt et un ans, il sera, après l'expiration de sa peine, retenu dans une maison de correction jusqu'à sa majorité.

Art. 9 : Les condamnations encourues antérieurement à la promulgation de la présente loi seront comptées en vue de la relégation conformément aux précédentes dispositions. Néanmoins, tout individu qui aura encouru, avant cette époque, des condamnations pouvant entraîner dès maintenant la relégation, n'y sera soumis qu'en cas de condamnation nouvelle dans les conditions ci-dessus prescrites.

Art. 10 : Le jugement ou l'arrêt prononcera la relégation en même temps que la peine principale; il visera expressément les condamnations antérieures par suite desquelles elle sera applicable.

Art. 11 : Lorsqu'une poursuite devant un tribunal correctionnel sera de nature à entraîner l'application de la relégation, il ne pourra jamais être procédé dans les formes édictées par la Loi du 20 mai 1863 sur les flagrants délits.

Un défenseur sera nommé d'office au prévenu, à peine de nullité.

Art. 12 : La relégation ne sera appliquée qu'à l'expiration de la dernière peine à subir par le condamné. Toutefois, faculté est laissée au Gouvernement de devancer cette époque pour opérer le transfèrement du relégué.

Il pourra également lui faire subir tout ou partie de la dernière peine dans un pénitencier. Ces pénitenciers pourront servir de dépôt pour les libérés qui seront maintenus jusqu'au plus prochain départ pour le lieu de la relégation.

Art. 13 : Le relégué pourra momentanément sortir du territoire de relégation en vertu d'une autorisation spéciale de l'autorité supérieure locale.

Le Ministre seul pourra donner cette autorisation pour plus de six mois ou la retirer. Il pourra seul autoriser, à titre exceptionnel et pour six mois au plus, le relégué à rentrer en France.

Art. 14 : Le relégué qui, à partir de l'expiration de sa peine, se sera rendu coupable d'évasion ou de tentative d'évasion, celui qui, sans autorisation, sera rentré en France ou aura quitté le territoire de relégation, celui qui aura outrepassé le temps fixé par l'autorisation, sera traduit devant le tribunal correctionnel du lieu de son arrestation ou devant celui du lieu de la relégation, et après connaissance de son identité, sera puni d'un emprisonnement de deux ans au plus.

En cas de récidive, cette peine pourra être portée à cinq ans. Elle sera subie sur le territoire des lieux de relégation.

Art. 15 : En cas de grâce, le condamné à la relégation ne pourra en être dispensé que par une disposition spéciale des lettres de grâce.

Cette dispense par voie de grâce pourra d'ailleurs intervenir après l'expiration de la peine principale.

Art. 16 Le relégué pourra, à partir de la sixième année de sa libération, introduire devant le tribunal de sa localité une demande tendant à se faire relever de la relégation, en justifiant de sa bonne conduite, des services rendus à la colonisation et des moyens d'existence.

Les formes et conditions de cette demande seront déterminées par le règlement d'administration publique prévu par l'article 18 ci-après.

Art. 17 : Le Gouvernement pourra accorder aux relégués l'exercice, sur les territoires de relégation, de tout ou partie des droits civils dont ils auraient été privés par l'effet des condamnations encourues.

Art. 18 : Des règlements d'administration publique détermineront :

Les conditions dans lesquelles accompliront les obligations militaires auxquelles ils pourraient être soumis par les lois sur le recrutement de l'armée; L'organisation des pénitenciers mentionnés à l'article 12; Les conditions dans lesquelles le condamné pourrait être dispensé provisoirement ou définitivement de la relégation pour cause d'infirmité ou de maladie, les mesures d'aide et d'assistance en faveur des relégués ou de leur famille, les conditions auxquelles des concessions de terrains provisoires ou définitives pourront leur être accordées, les avances à faire, s'il y a lieu, pour premier établissement, le mode de remboursement de ces avances, l'étendue des droits concédés et les facultés qui pourraient être données à la famille des relégués pour les rejoindre; Les conditions des engagements de travail à exiger des relégués; Le régime et la discipline des établissements ou chantiers ou ceux qui n'auraient ni les moyens d'existence ni engagement, seront astreints au travail; Et, en général, toutes les mesures nécessaires à assurer l'exécution de la présente loi. Le premier règlement destiné à organiser l'application de la présente loi sera promulgué dans un délai de six mois au plus à dater de sa promulgation.

Art. 19 : Est abrogée la loi du 9 juillet 1852, concernant l'interdiction par voie administrative, du séjour du département de la Seine et des communes formant l'agglomération lyonnaise.

La peine de surveillance de la haute de la haute police est supprimée. Elle est remplacée par la défense faite au condamné de paraître dans les lieux dont l'interdiction lui sera signifiée par le Gouvernement avant sa libération. Toutes les autres obligations et formalités imposées par l'article 15 du Code pénal sont supprimées à partir de la promulgation de la présente loi, sans qu'il soit toutefois dérogé aux dispositions de l'article 635 du Code d'instruction criminelle. Restent, en conséquence, applicables pour cette interdiction les dispositions antérieures qui réglaient l'application ou la durée, ainsi que la remise ou la suppression de la surveillance de la haute police et les peines encourues par les contrevenants, conformément à l'article 45 du Code pénal. Dans les trois mois qui suivront la promulgation de la présente loi, le Gouvernement signifiera aux condamnés actuellement soumis à la surveillance de la haute police les lieux dans lesquels il leur sera interdit de paraître pendant le temps qui restait à courir cette peine.

Art. 20 : La présente loi est applicable à l'Algérie et aux colonies.

En Algérie, par dérogation à l'article 2, les conseils de guerre prononceront la relégation contre les indigènes des territoires de commandement qui auront encouru, pour crimes ou délits de droit commun, les condamnations prévues par l'article 4 ci-dessus.

Art. 21 : La présente loi sera applicable à partir de la promulgation du règlement d'administration publique mentionné au paragraphe de l'article 18.

Art. 22 : Un rapport sur l'exécution de la présente loi sera présenté chaque année, par le Ministre compétent, à M. le Président de la République.

Art. 23 : Toutes les dispositions antérieures sont abrogées en ce qu'elles ont de contraire à la présente loi.

La présente, délibérée et adoptée par le Sénat et par la Chambre des députés, sera exécutée comme loi de l'Etat.

Fait à Paris, le 27 mai 1885.

Par le Président de la République : Jules Grévy. Le Ministre de l'intérieur, Allain-Targé.

Décret portant règlement d'administration publique pour l'application de la loi du 27 mai 1885 sur la relégation des récidivistes du 26 novembre 1885.

Le Président de la République française [...] décrète :

Titre premier.

Article premier. La relégation est individuelle ou collective.

Art. 2. La relégation individuelle consiste dans l'internement, en telle colonie ou possession française déterminée, des relégués admis à y résider en état de liberté, à la charge de se conformer aux mesures d'ordre et de surveillance qui seront prescrites en exécution de l'article premier de la loi du 27 mai 1885. Ces relégués sont soumis dans les colonies au régime du droit commun et aux juridictions ordinaires.

Sont admis à la relégation individuelle, après examen de leur conduite, les relégués qui justifient de moyens honorables d'existence, notamment par l'exercice de professions ou de métiers, ceux qui sont reconnus aptes à recevoir des concessions de terre et ceux qui sont autorisés à contracter des engagements de travail ou de service pour le compte de l'Etat, des colonies ou des particuliers.

Art. 3 : La relégation collective consiste dans l'internement, sur un territoire déterminé, des relégués qui n'ont pas été, soit avant, soit après leur envoi hors de France, reconnus aptes à bénéficier de la relégation individuelle.

Ces relégués sont réunis dans des établissements où l'administration pourvoit à leur subsistance et où ils sont astreints au travail. Ils sont justiciables, pour la répression des crimes ou délits, d'une juridiction spéciale qui sera organisée par un règlement d'administration publique.

Art. 4 : La relégation individuelle sera subie dans les diverses colonies ou possessions françaises. La relégation collective s'exécutera dans les territoires de la colonie de la Guyane et, si les besoins l'exigent, de la Nouvelle-Calédonie ou de ses dépendances, qui seront déterminées et délimitées par un décret. Des règlements d'administration publique pourront désigner ultérieurement d'autres lieux de relégation collective. Il peut être envoyé temporairement, sur le territoire des diverses colonies, des groupes ou détachements de relégués, à titre collectif, pour être employés sur des chantiers de travaux publics. La désignation des colonies où seront envoyés ces relégués, des travaux en vue desquels aura lieu cet envoi, l'organisation des groupes et détachements, seront déterminés par décrets rendus en Conseil d'Etat.

Art. 5 : Les mêmes établissements et les mêmes circonscriptions territoriales ne doivent, en aucun cas, être affectés concurremment à la relégation collective et à la transportation.

Art. 6 : Il est procédé pour l'admission au bénéfice de la relégation individuelle de la manière suivante :

Le parquet près la cour ou le tribunal ayant prononcé la relégation, le préfet du département où résidait le relégable avant sa dernière condamnation, le directeur soit de l'établissement soit de la circonscription pénitentiaire où le relégable se trouvait détenu en dernier lieu; sont appelés à donner leur avis. Des médecins, désignés par le Ministre de l'Intérieur, examinent l'état de santé, et les aptitudes physiques du relégable et consignent leurs constatations et leurs avis dans des rapports. Le dossier est transmis à une commission spéciale, dit "commission de classement", sur les propositions de laquelle le ministre de l'intérieur statue définitivement.

Art. 7 : La commission de classement est constituée par décret sur le rapport du Ministre de l'intérieur, après entente avec ses collègues de la justice et de la marine et des colonies.

Elle est composée de sept membres : Un conseiller d'Etat choisi parmi les conseillers d'Etat, en service ordinaire, président; Deux représentants de chacun des trois Départements de la justice, de l'intérieur et de la marine et des colonies. La commission élit son vice-président; Un secrétaire, désigné par le ministre de l'Intérieur, est chargé de la rédaction des procès-verbaux et de la conservation des archives. La commission ne peut délibérer que lorsque quatre de ses membres au moins sont présents. Les délibérations sont prises à la majorité des voix; en cas de partage, la voix du président est prépondérante.

Art. 8 : En ce qui concerne les condamnés dont la peine a été subie dans une colonie, il est statué définitivement par décision du Ministre de la marine et des colonies, après avis du Gouverneur et du conseil de santé, sur les propositions d'une commission de classement nommée par le Gouverneur. Cette commission est composée : d'un magistrat, président, et de deux membres chargés de représenter, l'un la direction de l'intérieur, et l'autre les services pénitentiaires.

Art. 9 : Lorsqu'un relégué, subissant la relégation collective se trouve dans les conditions énoncées dans l'article 2 du présent décret, il peut demander à être admis au bénéfice de la relégation individuelle. Cette demande est soumise au Ministre de la marine et des colonies qui statue définitivement. Cette décision est portée à la connaissance du Ministre de la justice et du Ministre de l'intérieur.

Art. 10 : Le bénéfice de la relégation individuelle peut être retiré au relégué :

1^{ere} - En cas de nouvelle condamnation pour crime ou délit; 2^e - Pour conduite notoire; 3^e - Pour violation des mesures d'ordre et de surveillance auxquelles le relégué était soumis; 4^e - Pour rupture volontaire et non justifiée de son engagement; 5^e - Pour abandon de sa concession; Le retrait est prononcé définitivement par le Ministre de la marine et des colonies, sur la proposition du Gouverneur, après avis de la commission instituée à l'article 8. Cette décision est portée à la connaissance du Ministre de la justice et du Ministre de l'intérieur.

Art. 11 : Avant le départ des relégués, le Ministre de l'intérieur peut, en cas d'urgence et à titre provisoire, les dispenser de la relégation, pour cause de maladie ou d'infirmité, sur le rapport du directeur de l'établissement ou de la circonscription pénitentiaire et après avis des médecins chargés du service de santé. La dispense, conférée à titre provisoire, ne peut durer plus d'une année. Elle ne peut être renouvelée qu'après avis de la commission de classement instituée par l'article 7. La dispense ne peut être accordée à titre définitif qu'après l'instruction spéciale prévue à l'article 6 sur avis conforme de la commission de classement.

Titre II. Mesures d'exécution en France.

Art. 12 : Il est statué par le ministre de l'intérieur, après avis du Ministre de la justice, sur la situation des relégables avant qu'ils soient envoyés hors de France, notamment en ce qui

concerne le placement dans les pénitenciers spéciaux créés en vertu de l'article 12 de la loi du 27 mai 1885.

Art. 13 : Les individus condamnés à la relégation qui sont maintenus pendant tout ou partie de la durée des peines à subir avant leur envoi hors de France, dans les divers établissements pénitentiaires normalement destinés à l'exécution de ces peines, doivent être séparés des détenus non soumis à la relégation.

Art. 14 : Les mesures d'ordre à prescrire dans les divers établissements pénitentiaires ordinaires pour préparer les condamnés à la relégation sont déterminés par décisions ministérielles.

Art. 15 : Les relégables, qui subissent tout ou partie de leur peine dans les pénitenciers spéciaux créés en vertu de l'article 12 de la loi du 27 mai 1885, y sont préparés à la vie coloniale. Ils sont soumis au travail dans les ateliers ou chantiers organisés, autant que possible, en vue d'un apprentissage industriel et agricole.

Ils peuvent y être répartis en groupes ou en détachements d'ouvriers ou de prisonniers pour l'emploi éventuel de leur main d'œuvre aux colonies. Aucun contact ne doit exister entre les relégables et la population libre. Le temps de séjour dans les pénitenciers spéciaux est compté pour l'accomplissement des peines à subir avant l'envoi en relégation.

Art. 16 : La création et l'installation de chacun de ces établissements, l'affectation des emplacements, des bâtiments, des domaines et terrains nécessaires sont ordonnés par décrets, après avis du Conseil supérieur des prisons.

Les pénitenciers spéciaux relèvent de l'administration pénitentiaire métropolitaine, ils sont placés sous l'autorité du ministre de l'intérieur et soumis aux mêmes conditions générales de gestion et de contrôle que les autres établissements pénitentiaires.

Art. 17 : La répartition et le classement des relégables dans les pénitenciers sont effectués d'après leur conduite, leurs antécédents, leurs aptitudes et leur destination éventuelle.

Il sera tenu compte, dans le règlement intérieur, des différences de traitement qu'implique la nature même de la peine restant à subir aux condamnés avant la relégation, sans qu'il y ait à séparer nécessairement ceux qui, par la dernière condamnation encourue, appartiennent à des catégories pénales différentes. Toutefois les relégables qui subissent dans les pénitenciers spéciaux la peine des travaux forcés ne peuvent être mis en commun, pendant la durée de cette peine, avec les relégables appartenant à d'autres catégories pénales.

Art. 18 : Les relégables ayant accompli la durée des peines à subir avant la relégation peuvent être maintenus en dépôt dans les établissements pénitentiaires ou dans les pénitenciers spéciaux jusqu'à leur départ pour les lieux de la relégation, notamment pendant l'instruction sur les causes de dispense et pendant la durée des dispenses accordées à titre provisoire.

Art 19 : Les relégables maintenus en dépôt sont astreints aux conditions de discipline et de travail arrêtées pour chaque établissement, mais avec les différences de régime que comporte leur situation comparée à celle des condamnés relégables en cours de peine.

Il est tenu compte à chacun des relégables, maintenu en dépôt, de la valeur du produit de son travail, déduction faite d'une part à retenir à titre de compensation pour les dépenses occasionnées par lui dans l'établissement, notamment pour son entretien, et sous réserve des prescriptions réglementaires concernant le mode d'emploi du pécule ainsi que la disposition de l'avoir. La retenue ne peut dépasser le tiers du produit du travail.

Art. 20 : Il sera organisé, comme pénitenciers spéciaux de relégation pour les femmes, des établissements ou quartiers distincts, dans lesquels la discipline, le régime et les travaux seront appropriés à leur situation, d'après les règles générales édictées au présent décret.

Art. 21 : Les décrets et arrêtés réglementaires nécessaires à l'exécution des articles 14, 15, 19 et 20 ne seront rendus qu'après avis du Conseil supérieur des prisons.

Art. 22 : Le transfèrement des relégables aux colonies avant l'expiration des peines à subir en France, conformément à l'article 12 de la loi du 27 mai 1885, est autorisé par le Ministre de l'intérieur, après avis du Ministre de la justice et du Ministre de la marine et des colonies.

Art. 23 : Dans tous les cas où il y a lieu d'effectuer le transfèrement des relégables hors de France, les décisions dont ils ont été l'objet sont transmises au Ministre de la marine et des colonies.

Celui-ci, après avis du ministre de l'intérieur et de la commission de classement instituée par l'article 6, désigne la relégation collective, soit la colonie ou la possession française où sera interné le condamné admis au bénéfice de la relégation individuelle.

Art. 24 : Les décisions du Ministre de la marine et des colonies et du Ministre de l'intérieur sont notifiées aux condamnés. Ceux qui sont admis à la relégation individuelle reçoivent, en outre, notification des mesures d'ordre et de surveillance qui feront l'objet d'un règlement ultérieur, conformément à l'article premier de la loi du 27 mai 1885.

Art. 25 : Les opérations et les époques d'embarquement des relégables sont arrêtées de concert entre les Ministres chargés de l'exécution de la loi.

Art. 26 : Le Ministre de la marine et des colonies fournit tous les six mois au Ministre de l'intérieur, pour chacune des colonies ou possessions françaises, des renseignements et documents permettant d'établir les offres et les besoins de travail qui se produisent, ainsi que le nombre et les catégories de relégables qui peuvent trouver emploi dans les services, ateliers, exploitations ou chantiers, soit publics, soit particuliers.

Titre III. Mesures d'exécution aux colonies.

Art. 27 : Après les embarquements et jusqu'à leur arrivée au lieu de relégation, les relégables sont maintenus en état de dépôt. Ils sont, en outre, soumis aux conditions d'ordre et de règles disciplinaires déterminées par le Ministre de la marine et des colonies.

Lorsque l'envoi hors de France précède l'expiration des peines, la durée du transfèrement est comptée pour l'accomplissement de ces peines.

Art. 28 : À leur arrivée ou durant leur séjour dans la colonie, les femmes envoyées en relégation individuelle peuvent, soit sur leur demande, soit sur d'office, lorsque des moyens honorables d'existence leur font défaut, être placées dans des maisons d'assistance et de travail où il est pourvu à leurs besoins.

Elles peuvent y être maintenues jusqu'à ce qu'elles aient trouvé à s'engager ou à s'établir dans des conditions suffisantes de bon ordre et de moralité. Un arrêté du Gouverneur, approuvé par le Ministre de la marine et des colonies déterminera, les facilités à donner aux femmes reléguées pour se procurer du travail et des moyens d'établissement dans la colonie. Un règlement d'administration publique fixera les avantages particuliers qui pourront leur être accordés en argent ou en concession de terres, en avance de premier établissement, en dons ou prêt d'outils, d'instruments et de tous objets nécessaires à une exploitation commerciale industrielle ou agricole. Ces divers avantages pourront être consentis, tant au profit des conjoints et des enfants à naître qu'au profit des femmes reléguées.

Art. 30 : Les femmes qui ont été envoyées en relégation collective peuvent obtenir des facilités et avantages ci-dessus, lorsqu'elles justifient d'une bonne conduite et d'aptitudes suffisantes.

Art. 31 : Il sera organisé, sur les territoires affectés à la relégation collective, des dépôts d'arrivée et de préparation où seront reçus et provisoirement maintenus les relégués à titre collectif.

Ces dépôts pourront comprendre des ateliers, chantiers et exploitations où seront placés les relégués pour une période d'épreuve et d'instruction. Les relégués y seront formés, soit à la culture, soit à l'exercice d'un métier ou d'une profession, en vue des engagements de travail ou de service à contracter et de concessions de terre à obtenir selon leurs aptitudes et leur conduite.

Art. 32 : Les relégués qui n'ont pas été admis à la relégation individuelle soit avant leur départ de France, soit pendant leur séjour dans les dépôts de préparation, sont envoyés dans des établissements de travail.

Ces établissements peuvent consister en ateliers, chantiers de travaux publics, exploitations forestières, agricoles ou minières. Les relégués sont répartis entre ces établissements d'après leurs aptitudes, leurs connaissances, leur âge et leur état de santé. L'administration peut toujours les admettre, sur leur demande, à revenir dans les dépôts de préparation pour une période d'épreuve ou d'instruction.

Art. 33 : Sur autorisation du Gouverneur et sous les conditions fixées par lui dans les règlements transmis immédiatement au Ministre de la marine et des colonies et communiqués aux Ministres de la justice et de l'intérieur, des établissements, exploitations et domaines particuliers peuvent être assimilés aux établissements publics que mentionne le précédent article, pour fournir du travail et des moyens de subsistance aux condamnés soumis à la relégation collective.

Il peut, en conséquence, être envoyé et maintenu dans ces établissements privés des groupes ou détachement de relégués qui demeurent placés sous la surveillance des agents de l'Etat et qui sont soumis au même régime et aux mêmes règles disciplinaires que dans les établissements publics de travail.

Art. 34 : Les relégués qui, sans avoir perdu le bénéfice de la relégation individuelle, en vertu de l'article 10 du présent décret, se trouvent dans l'impossibilité de pourvoir à leur subsistance, peuvent, sur leur demande, être temporairement employés par les soins de l'Administration dans les exploitations, ateliers ou chantiers.

Art. 35 : Les relégués qui sont employés dans des établissements affectés à la relégation collective sont rémunérés en raison de leur travail, sous réserve d'une retenue à opérer pour la dispense occasionnée par chacun d'eux, notamment pour les frais d'entretien. Cette retenue ne peut excéder le tiers du produit de la rémunération.

Art. 36 : Les relégués placés dans un de ces mêmes établissements peuvent recevoir du dehors des offres d'occupation et d'emploi et justifier d'engagements de travail ou de service pour être autorisés à quitter l'établissement.

Ils peuvent de même être admis à bénéficier de concession de terre, à raison de leur conduite et de leurs aptitudes. Les autorisations d'engagement et les concessions n'entraînent pas de plein droit l'admission au bénéfice de la relégation individuelle, qui doit être demandée et obtenue conformément à l'article 9 du présent décret.

Art. 37 : Les peines de la réclusion et de l'emprisonnement prononcées contre les relégués pour crimes et délits, par quelque juridiction que ce soit, doivent être subies sans délai, à défaut de prisons proprement dites, dans des locaux fermés, spécialement destinés à cet effet, sans réunion ou au contact des condamnés, ni avec la population libre, ni avec les relégués non condamnés.

Art. 38 : Les châtiments corporels sont et demeurent interdits à l'égard des relégués.

Art. 39 : Les commissions de classement, instituées par les articles 7 et 8 du présent décret, sont appelées à donner leur avis avant qu'il soit statué sur la situation des relégués et sur les mesures qui les concernent, spécialement aux cas prévus par les articles 31 et 35.

Le conseil de santé de la colonie est consulté sur toutes les questions intéressant le régime et l'hygiène des relégués

Art. 40 : Les relégués ont toujours le droit d'adresser leurs demandes et réclamations par plis fermés, soit aux autorités administratives ou judiciaires de la colonie où ils sont internés, soit aux ministres de la marine et des colonies et de la justice.

Ces demandes et réclamations doivent être transmises indistinctement et sans retard à destination par les soins des fonctionnaires et agents chargés des services de la relégation.

Art. 41 : Les Ministres de la justice, de l'intérieur, de la marine et des colonies sont chargés, chacun en ce qui le concerne, de l'exécution du présent décret, qui sera inséré au Bulletin des lois, au Bulletin officiel de la marine et aux journaux officiels de la métropole et des colonies.

Fait à Paris, le 26 novembre 1885.

Par le président de la République : Jules Grévy. Le président du Conseil, Garde des sceaux, Ministre de la justice : Henri Brisson. Le Ministre de la marine et des colonies : Galiber. Le Ministre de l'intérieur : Allain-Targé.

Décret portant organisation du régime disciplinaire des relégués collectifs aux colonies

Le président de la République française [...] décrète :

Chapitre premier. Des punitions disciplinaires.

Article premier :

Les relégués collectifs maintenus dans les dépôts de préparation et dans les établissements de travail sont soumis aux règles de discipline suivantes.

Art. 2 : Sont punis disciplinairement les faits et actes ci-dessous :

Détention de toutes sommes d'argent ou valeurs quelconques; Inconvenances, insolences, insultes ou menaces envers un agent ou un fonctionnaire; Mutinerie et rébellion; Larcins; Paresse ou mauvaise volonté au travail; Refus d'obéir ou de travailler; Ivresse, rixe, coups et violences entre relégués; Lacération volontaire d'effets réglementaires; Actes d'immoralité; Jeu d'argent et généralement toutes infractions aux règlements;

Art. 3 : Les punitions disciplinaires infligées aux relégués sont les suivantes :

1° - Interdiction des suppléments de nourriture à la cantine; 2° - Privation d'une partie de salaire n'excédant pas le tiers du produit total du travail; 3° - Prison de nuit; 4° - Cellule; 5° - Cachot.

Art. 4 : Les punitions pour une même faute ne peuvent dépasser :

Un mois pour l'interdiction de la cantine; Un mois pour la réduction de salaire; Un mois pour la prison de nuit; Un mois pour la cellule; Quinze jours de cachot. En cas de nouvelle infraction dans les trois mois, ces punitions peuvent être doublées.

Art. 5 : Les relégués qui sont punis de cellule ou de cachot couchent sur un lit de camp/

Ils sont enfermés isolément. Ils sont autorisés à se promener dans un préau, une heure le matin et une heure le soir sous la conduite de surveillants. Ils sont autorisés à se promener dans un préau, une heure le matin et une heure le soir sous la conduite de surveillants. Ils sont chargés d'un travail dans l'intérieur de leur cellule d'après une tâche déterminée. Ils ne touchent pas de pécule disponible. Les jeux de toute sorte sont interdits. Ils peuvent être punis, en outre, d'une des peines suivantes : Suppression de salaire; Interdiction de recevoir des visites ou d'écrire, en dehors des conditions prévues par l'article 40 du décret du 25 novembre 1885.

Art. 6 : Les relégués punis de cellule sont mis au pain sec un jour sur trois; la punition de cachot entraîne la mise au pain sec deux jours sur trois. Dans ces deux cas, la ration de pain est augmentée s'il y a lieu.

Art. 7 : L'interdiction de supplément de nourriture à la cantine est infligée par les chefs de dépôts ou d'établissements de travail.

Art. 8 : La privation de salaire, la prison, la cellule ou le cachot sont infligés par la commission disciplinaire, sans préjudice des mesures nécessaires pour le bon ordre et la sûreté.

Art. 9 : Les surveillants, sauf les cas où ils remplissent les fonctions de chef de dépôt ou d'établissement de travail, ne peuvent prononcer aucune punition; ils se bornent à la demander par un rapport.

Pour les fautes graves et dans l'intérêt de l'ordre et de la discipline, les surveillants peuvent arrêter et mettre préventivement en prison les délinquants. Ils en informent immédiatement l'autorité supérieure.

Art. 10 : Toutes les punitions infligées aux relégués sont inscrites sur leur notice.

Un état indiquant le nom du relégué, les motifs, la nature et la durée des punitions est envoyé chaque mois au Ministre de la marine et des colonies.

Chapitre II. De la commission disciplinaire.

Art. 11 : Il est créé une commission disciplinaire dans chaque dépôt.

Art. 12 : La commission est présidée par le fonctionnaire chargé du commandement supérieur, assisté de deux fonctionnaires ou employés de l'Administration pénitentiaire désignés par le Directeur.

Un surveillant militaire remplit les fonctions de greffier. Tous procès-verbaux, rapports, plaintes ou dénonciations concernant un fait de nature à être déféré au prétoire sont transmis au président.

Art. 13 : Le relégué traduit devant la commission est préalablement informé du jour où il devra y comparaître.

Il lui est donné connaissance du motif pour lequel il est traduit et des dispositions du règlement qui lui sont applicables. Le président interroge le relégué sur les faits qui lui sont reprochés et entend les personnes qui pourraient fournir des renseignements utiles. Le relégué est admis à présenter en dernier lieu ses explications. La décision est prise à la majorité des voix.

Art. 14 : La police de séance appartient au président.

Art. 15 : La commission disciplinaire se réunit une fois au moins par semaine.

Elle statue sur les propositions de remise ou réduction de punition et sur la répression des infractions. Elle examine également les réclamations des relégués et donne son avis qui est transmis au Directeur de l'Administration pénitentiaire.

Chapitre III. Du quartier disciplinaire.

Art. 16 : Il est créé un quartier de punition où sont envoyés les incorrigibles des divers dépôts et chantiers de la relégation.

La désignation des relégués qui doivent être envoyés au quartier de punition est faite par la commission disciplinaire qui en fixe la durée, sans que celle-ci puisse être supérieure à quatre mois. Il est rendu compte au Directeur de l'Administration pénitentiaire. Le fonctionnaire chargé du commandement supérieur peut, avant l'accomplissement de la peine prononcée, ordonner le renvoi du relégué dans les dépôts ou les établissements de travail.

Art. 17 : À leur arrivée dans le quartier de punition, les relégués sont fouillés. Tout objet dont la possession n'est pas autorisée par les règlements est saisi. Ils sont répartis dans les prisons communes. Chaque prison est munie d'un lit de camp et de barres de justice.

Art. 18 : Le service de sûreté et de garde est confié à des surveillants placés sous l'autorité directe du chef du dépôt de préparation où se trouve le quartier de punition.

Art. 19 : Les relégués sont astreints au travail, mais à l'intérieur du quartier.

Art. 20 : Ils sont astreints au silence le jour et la nuit, pendant le travail comme pendant le repos. Sont exceptées de la règle du silence les communications indispensables à l'occasion de leurs travaux ou du service.

Art. 21 : Les punitions infligées aux relégués dans les quartiers de punition sont les suivantes : Privation de promenade de deux à huit jours; Cellule à boucle simple de deux jours à un mois; Cachot à double boucle de huit jours à un mois; Prolongation de séjour au quartier de quinze jours à un mois.

Art. 22 : Toutes ces punitions sont prononcées par la commission disciplinaire, il en est rendu immédiatement compte au Directeur de l'Administration pénitentiaire.

Chapitre IV. Dispositions générales.

Art. 23 : Les relégués placés, soit en cellule, soit au cachot, au quartier de punitions sont visités tous les quinze jours au moins par un médecin désigné par le Gouverneur, sans préjudice des visites que celui-ci peut confier aux magistrats, officiers ou fonctionnaires de divers ordres.

À la suite de chaque visite, un rapport est adressé au Gouverneur par l'intermédiaire du fonctionnaire chargé du commandement supérieur et du Directeur de l'Administration pénitentiaire.

Art. 24 : Les dispositions de détail sont réglées par des arrêtés du Gouverneur soumis à l'approbation du Ministre de la marine et des colonies.

Art. 25 : Le Ministre de la marine et des colonies est chargé de l'exécution du présent décret, qui sera insérée au Journal Officiel de la République française, au Bulletin des lois et au Bulletin officiel de l'administration des colonies.

Fait à Mont-sous-Faudrey, le 22 août 1887, Jules Grévy.

Par le Président de la République, le ministre de la marine et des colonies, E. Barbry.

Décret du 25 novembre 1887 portant organisation de la relégation individuelle aux colonies.

Le président de la République française [...] décrète :

Article premier : Tout relégué collectif qui a demandé à être admis au bénéfice de la relégation individuelle dans les conditions prévues par l'article 9 du décret du 26 novembre 1885 et dont la demande n'a pas été accueillie, ne peut la renouveler, pendant un délai de six mois, à dater de la notification du rejet.

Art. 2 : Les gouverneurs des colonies spécialement affectées à l'internement des relégués collectifs sont autorisés, après avis favorables de la commission instituée par l'article 8 du décret du 26 novembre 1885, à admettre provisoirement au bénéfice de la relégation individuelle tout relégué collectif qui serait jugé digne de cette faveur, sous réserve de l'approbation du Ministre de la marine et des colonies.

Art. 3 : La notification de l'admission d'un relégué à la relégation individuelle est faite à l'intéressé dans les vingt-quatre heures de l'arrivée de la décision ministérielle dans le lieu où il réside. Dès cette notification, le relégué cesse d'être soumis aux règlements disciplinaires

imposés aux relégués collectifs. Il peut quitter immédiatement les dépôts, chantiers ou exploitations sur lesquels il est employé, pour se rendre dans le lieu où il aura déclaré entendre se fixer.

Art. 4 : Il est délivré au relégué admis au bénéfice de la relégation individuelle un livret contenant :

1^{er} Ses noms, prénoms et surnoms; 2^e Son signalement; 3^e Son état civil; 4^e Sa situation au point de vue judiciaire; 5^e La loi du 27 mai 1885 sur la relégation des récidivistes; 6^e Le décret du 26 novembre 1885, portant règlement d'administration publique pour l'application de la loi du 27 mai 1885; 7^e Le présent décret sur l'organisation de la relégation individuelle aux colonies; 8^e L'extrait de la décision du Ministre de la marine et des colonies admettant le relégué au bénéfice de la relégation individuelle et fixant la colonie d'internement; 9^e L'indication de l'autorité qui doit viser son livret conformément à l'article 6; 10^e Les lieux interdits aux relégués, conformément à l'article 8. Ce livret doit être présenté par l'intéressé sur toute réquisition des autorités administratives ou judiciaires de la colonie.

Art. 5 : Dans les cas prévus par l'article 2, le gouverneur délivre au relégué une autorisation provisoire portant les indications inscrites sous les numéros 1, 2, 3, 4 et 9 de l'article précédent.

Art. 6 : Le relégué individuel est tenu, en janvier et en juillet de chaque année, de faire viser son livret par les autorités qui seront désignées par arrêtés des gouverneurs des colonies et qui lui auront été notifiées.

Toutefois, le gouverneur peut, par arrêté spécial, dispenser temporairement un relégué individuel de l'un des visas annuels ou de tous les deux. Dans le cas où, pour une cause quelconque, le relégué individuel aurait à changer de résidence, il doit donner avis de ce changement avant qu'il s'effectue, à l'autorité chargée de viser son livret. Tout avis de changement de résidence doit être immédiatement notifié aux directeurs de l'administration pénitentiaire, dans les colonies spécialement affectées à l'internement des relégués collectifs, ou à défaut, au directeur de l'intérieur.

Art. 7 : Il peut être interdit par le gouverneur, sur la proposition du directeur de l'administration pénitentiaire, ou, à défaut, du directeur de l'intérieur, au relégué individuel de résider et de paraître dans certains lieux expressément déterminés et dont la désignation est portée sur son livret.

Art. 8 : Toute infraction commise par le relégué individuel aux dispositions précédentes est constatée par procès-verbal ou par rapport à transmettre d'urgence au gouverneur. Celui-ci peut punir le relégué d'un avertissement qui est inscrit au livret et porté à la connaissance du Ministre de la marine et des colonies.

Si les faits paraissent au gouverneur de nature à motiver le retrait du bénéfice de la relégation individuelle, il est procédé conformément aux prescriptions de l'article 10 du décret du 26 novembre 1885.

Art. 9 : Tout relégué doit constituer, soit immédiatement, soit progressivement, par lui ou par un tiers, un fonds de réserve destiné à faire face aux dépenses qu'occasionnerait son traitement dans les hôpitaux de la colonie.

Cette réserve reste la propriété du relégué. Le chiffre auquel elle doit être portée ou maintenue, ainsi que les conditions dans lesquelles elle est constituée, sont déterminés par un arrêté du gouverneur, soumis à l'approbation du Ministre de la marine et des colonies. Le Ministre peut, après avis de la commission de classement, dispenser les relégués du versement du fonds de réserve.

Art. 10 : Le relégué individuel qui demande, conformément à l'article 31 du décret du 26 novembre 1885, à être employé temporairement dans les exploitations, ateliers affectés à la relégation collective, est soumis aux règlements disciplinaires intérieurs de ces établissements.

Art. 11 : Le Ministre de la marine et des colonies peut, après avis conforme de la commission de classement prévue à l'article 7 du décret du 26 novembre 1885, prononcer l'envoi d'un relégué individuel d'une colonie dans une autre.

Art. 12 : Le Ministre de la marine et des colonies est chargé de l'exécution du présent décret qui sera inséré au Journal officiel de la République française, au Bulletin des lois et au Bulletin officiel de l'Administration des colonies.

Fait à Paris, le 25 novembre 1887.

Par le Président de la République, Jules Grévy. Le Ministre de la marine et des colonies, E. Barbey.

Loi relative à la suppression de l'envoi dans les colonies pénitentiaires des femmes

récidivistes du 19 juillet 1907.

Le Sénat et la Chambre des députés ont adopté, Le Président de la République promulgue la Loi dont la teneur suit :

Article unique : Les articles 6 et 8 de la loi du 27 mai 1885 sur la relégation des récidivistes sont modifiés comme suit :

Article 6 : La relégation n'est pas applicable aux femmes ni aux individus qui seraient âgés de plus de soixante ans ou de moins de vingt et un ans, à l'expiration de leur peine.

Toutefois, les condamnations encourues par le mineur de vingt et un ans compteront en vue de la relégation, s'il est, après avoir atteint cet âge, de nouveau condamné dans les conditions prévues par la présente loi.

Article 8 : Le récidiviste de l'un et de l'autre sexe qui aurait encouru la relégation par application de l'article 4 de la présente loi, s'il n'avait pas dépassé soixante ans, sera, après l'expiration de sa peine soumis à perpétuité à l'interdiction de séjour édictée par l'article 19 ci-après.

S'il est mineur de moins de vingt et un ans, il sera, après l'expiration de sa peine, retenu dans une maison de correction jusqu'à sa majorité.

Les femmes majeures sont soumises pendant vingt ans à l'interdiction de séjour prévue à l'article 19 ci-après.

La présente loi délibérée et adoptée par le Sénat et par la Chambre des Députés sera exécutée comme loi de l'Etat.

Fait à Paris, le 19 juillet 1907.

Par le Président de la République : A. Fallières.

Le Président du Conseil, Ministre de l'intérieur : G. Clémenceau.

Le Garde des Sceaux, Ministre de la justice : Guyot-Dessaigne.

Le Ministre des colonies : Milliès-Lacroix.

Bibliography

Archival Sources

Archives Nationales d’Outre Mer (ANOM), Aix-en-Provence
Séries colonies H (H)
Affaires Politiques (AFFPOL)

Bibliothèque de la documentation internationale contemporaine, Nanterre
Archives de la Ligue des droits de l’Homme (F DELTA RES 798/)

Published Works

Agamben, Giorgio. *Homo sacer: Sovereign Power and Bare Life*. Stanford: Stanford University Press, 1998.

Anderson, Benedict. *Imagined communities: reflections on the origin and spread of nationalism*. 1983. London: Verso, 2003.

Arnold, David. *Colonizing the Body: State Medicine and Epidemic Disease in Nineteenth Century India*. Berkeley: California University Press, 1993.

Badinter, Robert. *La Prison républicaine (1871-1914)*. Paris: Fayard, 1992.

Barbaçon, Louis-José. *L’Archipel des forçats: histoire du bagne de Nouvelle-Calédonie (1863-1931)*. Lille: Presses Universitaires du Septentrion, 2003.

Berenson, Edward. *The Trial of Madame Caillaux*. Berkely: California UP, 1992.

Bhabha, Homi. *The Location of Culture*. London: Routledge, 1994.

---. *Nation and Narration*. London: Routledge, 1990.

Boittin, Jennifer. *Colonial Metropolis: The Urban Grounds of Anti-Imperialism and Feminism in Interwar Paris*. Lincoln: University of Nebraska Press, 2010.

Brouez, Jules. “Les récidivistes.” *La philosophie de l’avenir*. Paris, (1882): 245.

Brubaker, Rogers. *Citizenship and Nationhood in France and Germany*. Cambridge: Harvard

UP, 1992.

Burton, Antoinette M. *After the Imperial Turn: Thinking with and Through the Nation*. Durham: Duke University Press, 2003.

Cendrars, Blaise. *Rhum: L'aventure de Jean Galmot*. Paris: Grasset, 1958.

Cesaire, Aimé. *Discours sur le colonialisme*. Paris: Présence africaine, 1989.

Chakrabarti, Patrik. *Medicine & Empire: 1600-1960*. New York: Palgrave Macmillan, 2014.

Charrière, Henri. *Papillon*. New York: Harper Perennial, 2006.

Chevalier, Louis. *Classes laborieuses et classes dangereuses à Paris pendant la première moitié du 19^e siècle*. Paris: Plon, 1958.

Christie, Nils. *L'Industrie de la punition: Prison et politique pénale en Occident*. Paris: Autrement, 2003.

Conklin, Alice. *A Mission to Civilize: The Republican Idea of Empire in France and West Africa, 1895-1930*. Stanford, Calif: Stanford University Press, 1997.

---. "Redefining 'Frenchness': Citizenship, Race Regeneration, and Imperial Motherhood in France and West Africa, 1914-1940." In *Domesticating the Empire: Race, Gender, and Family Life in French and Dutch Colonialism*. Julia Clancy-Smith and Frances Gouda, eds. Charlottesville: University Press of Virginia, 1998.

Cooper, Frederick. *Colonialism in Question: Theory, Knowledge, History*. Berkeley: University of California Press, 2005.

---. *Decolonization and African Society : The Labor Question in French and British Africa*. Cambridge, England: Cambridge University Press, 1996.

---. "From Free Labor to Family Allowances: Labor and African Society in Colonial Discourse." *American Ethnologist*. 16 (1989): 745-765.

Cooper, Frederick, and Ann L. Stoler. *Tensions of Empire: Colonial Cultures in a Bourgeois World*. Berkeley: University of California Press, 1997.

Corbin, Alain. "Intimate Relations" in *A History of Private Life*. Ed. Michelle Perrot. Cambridge, Mass: Belknap, 1990.

---. *Le Village des « cannibales »*. Paris: Aubier, 1990.

---. *Women for Hire*. Cambridge: Harvard, 1990.

Darnton, Robert. *The Great Cat Massacre*. New York: Basic Books, 1984.

Davis, Natalie Z. *The Return of Martin Guerre*. Cambridge: Harvard UP, 2002.

---. *Women on the Margins: Three Seventeenth-Century Lives*. Cambridge, Mass: Harvard University Press, 1995.

Delattre, Simone. *Les Douze heures noires: La nuit à Paris au XIXe siècle*. Paris: Albin Michel, 2002.

Dion, Isabelle and Taillemite, Hélène, ed. *Lettres du bagne*. Marseille: Images en Manœuvre, 2007.

Donet-Vincent, Danielle. *De Soleil et de silences: histoire des bagnes de Guyane*. Paris: La Boutique de l'Histoire, 2003.

---. *La fin du bagne (1923-1953)*. Rennes: Ouest-France, 1992.

Dubois, Laurent. *A Colony of Citizens: Revolution and French Emancipation in the French Caribbean 1787-1804*. Chapel Hill: University of North Carolina Press, 2005.

Fall, Babacar. *Le Travail forcé en Afrique-Occidentale Française, 1900-1946*. Paris: Karthala, 1993.

Fanon, Frantz, Jean-Paul Sartre and Gérard Chaliand. *Les Damnés de la terre*. Paris: Gallimard, 1991.

- Fanon, Frantz. *Peau noire, masques blancs*. Paris: Editions du Seuil, 1965.
- Fogarty, Richard S. *Race and War in France: Colonial Subjects in the French Army, 1914-1918*. Baltimore: Johns Hopkins University Press, 2008.
- Forster, Colin. *France and Botany Bay: The Lure of the Penal Colony*. Carlton South: Melbourne University Press, 1996.
- Foucault, Michel. *The Abnormal: Lectures at the College de France 1974-1975*. New York: Picador, 2003.
- . *Philosophie: Antologie*. Paris: Gallimard, 2004.
- . *Surveiller et Punir*. Paris: Gallimard, 1975.
- Fougère, Eric. *Île-prison: Bagne et deportation*. Paris: L'Harmattan, 2002.
- . *Le Grand livre du bagne en Guyane et Nouvelle-Calédonie*. Sainte-Clotilde: Orphie, 2002.
- Frykman, Jonas and Orvar Löfgren. *Culture Builders: A Historical Anthropology of Middle-class Life*. New Brunswick: Rutgers University Press, 1987.
- Fuchs, Rachel. *Contested Paternity: Constructing Families in Modern France*. Baltimore: Johns Hopkins University Press, 2008.
- Genet, Jean. *Journal du voleur*. Paris: Aux Dépens d'un Ami, 1949.
- Go, Julian. *Postcolonial Sociology*. Bradford: Emerald Group, 2013.
- Goffman, Erving. *Stigma: Notes on the management of spoiled identity*. Englewood Cliffs: Prentice Hall, 1963.
- Guha, Ranajit. *History at the Limit of World History*. New York: Columbia University Press, 2002.
- Guha, Ranajit, and Gayatri C. Spivak. *Selected Subaltern Studies*. New York: Oxford University Press, 1988.

- Habermas, Jürgen. *The structural transformation of the public sphere: an inquiry into a category of bourgeois society*. Cambridge, Mass.: MIT Press, 1989.
- Hall, Catherine. *Cultures of Empire: Colonizers in Britain and the Empire in the Nineteenth and Twentieth Century*. New York: Routledge, 2000.
- Harris, Ruth. *Murders and Madness: Medicine, Law, and Society in the Fin de Siècle*. Oxford: Clarendon Press, 1989.
- Jennings, Eric. *Curing the Colonizers: Hydrotherapy, climatology and French Colonial Spas*. Durham: Duke UP, 2006.
- Kalifa, Dominique. *Les Bas-fonds: Histoire d'un imaginaire*. Paris: Seuil, 2013.
- . *Biribi: les bagnes coloniaux de l'armée française*. Paris: Perrin, 2009.
- . *Crime et Culture au XIX siècle*. Paris: Perrin, 2005.
- Kaluszynski, Martine. "Le criminel à la fin du XIXème siècle. Autour du récidiviste et de la loi du 27 mai 1885. Le paradoxe républicain de l'exclusion." In *Les Exclus en Europe*. Directed by A. Gueslin and D. Kalifa. Paris: Editions de l'Atelier, 1999.
- Keller, Richard C. *Colonial Madness: Psychiatry in French North Africa*. Chicago: University of Chicago Press, 2007.
- Kensy, Annie. "Aménagements de peines et moindre récidive." *Criminocorpus. L'aménagement des peines privatives de liberté* (2013): n. pag. Accessed July 24, 2015.
doi:10.4000/criminocorpus.2489
- Krakovitch, Odile. "Les Antillais et les bagnes de Cayenne: Nouvelle approche de la répression dans les Caraïbes." *Revue historique*. 284.1. Paris: PUF, 1990: 89-100.
- . *Les Femmes bagnardes*. Paris: Orban. 1990.
- Lacassagne, Alexandre. *Des Transformations du droit pénal et les progrès de la médecine légale*

- de 1810 à 1912*. Lyon: A. Rey, 1913.
- . "Le médecine d'autrefois et le médecin du XXe siècle." *Archives de l'anthropologie criminelle*. 1902. Accessed July 24, 2015.
- https://books.google.com/books?id=Tbreu_BjyEC&pg=PP1#v=onepage&q&f=false
- Lebovics, Herman. *Bringing the Empire Back Home: France in the Global Age*. Durham: Duke University Press, 2004.
- . *True France: The Wars over Cultural Identity, 1900-1945*. Ithaca: Cornell University Press, 1994.
- Léonard, Jacques. "Les médecins des prisons en France au XIXe siècle." *La prison, le bagne et l'histoire*. Dir. Jacques Petit. Geneva : Librairie des Méridiens, 1984.
- Lombroso, Cesare. *Criminal Man*. Mary Gibson and Nicole Hanh Rafter, trans. Durham: Duke University Press, 2006.
- Londres, Albert. *Au Bagne*. Paris: Albin Michel, 1932.
- Loomba, Ania. *Colonialism-postcolonialism*. London: Routledge, 2015.
- Martin, Benjamin F. *Crime and Criminal Justice Under the Third Republic: The Shame of Marianne*. Baton Rouge: Louisiana State University Press, 1990.
- Merriman, John. *The Dynamite Club: How a Bombing in Fin-de-Siècle Paris Ignited the Age of Modern Terror*. Boston: Houghton Mifflin Harcourt, 2009.
- Michelot, Jean-Claude. *La Guillotine sèche: histoire du bagne de Cayenne*. Paris: Fayard, 1981.
- Noiriel, Gérard. *A quoi sert 'l'identité nationale*. Marseille: Agone, 2007.
- . *Le creuset français: Histoire de l'immigration XIX^e-XX^e siècle*. Paris: Seuil, 1992.
- Norris, Anna. *L'écriture du Défi: Textes carcéraux féminins du XIX et XXe siècle: Entre l'aiguille et la plume*. Birmingham: Summa Publications, 2003.

- Northrup, David. *Indentured Labor in the Age of Imperialism, 1834-1922*. Cambridge: Cambridge University Press, 1995.
- Nye, Robert. *Crime, Madness and Politics in Modern France: The Medical Concept of National Decline*. Princeton: Princeton University Press, 1984.
- Osborne, Michael. *The Emergence of Tropical Medicine in France*. Chicago: University of Chicago, 2014.
- Oxley, Deborah. "Female Convicts." In *Convict Workers: Reinterpreting Australia's past*. Stephen Nicholas, ed. Cambridge, England: Cambridge University Press, 1988.
- Pendersen, Jean E. "Special Rights: Paternity Suits and Citizenship in France and the Colonies, 1870-1912." In *Domesticating the Empire: Race, Gender, and Family Life in French and Dutch Colonialism*. Julia Clancy-Smith and Frances Gouda, eds. Charlottesville: University Press of Virginia, 1998.
- Perrot, Michelle. *A History of Private Life*. Cambridge: Belknap, 1990.
- . "Délinquance et système pénitentiaire en France au XIXe siècle." *Les ombres de l'histoire: crime et châtement au XIXe siècle*. Paris: Flammarion, 2001.
- Petit, Jacques-Guy. *Ces Peines obscures: La prison pénale en France (1780-1875)*. Paris: Fayard, 1990.
- Pierre, Michel. *Bagnards: La Terre de la grande punition, Cayenne 1852-1953*. Paris: Autrement, 2000.
- Price, Richard. *The Convict and the Colonel: A Story of Colonialism and Resistance in the Caribbean*. Durham: Duke UP, 2006.
- Redfield, Peter. *Space in the Tropics: From Convicts to Rockets in French Guiana*. Berkeley: University of California Press, 2000.

Reinach, Joseph. *Les Récidivistes*. Paris, 1882.

Renneville, Marc. "Exploring the History of French Criminology (1885-1939): the Case of the Archives de l'Anthropologie Criminelle." *Criminocorpus*, Histoire de la criminologie 1. Accessed July, 26, 2015. doi: 10.4000/criminocorpus.2753

---. *La médecine du crime: Essai sur l'émergence d'un regard médical sur la criminalité en France. (1785-1885)*. Villeneuve d'Ascq: Presses Universitaires du Septentrion, 1999.

Rosenberg, Clifford D. *Policing Paris: The Origins of Modern Immigration Control between the Wars*. Ithaca: Cornell University Press, 2006.

Ross, Kristin. *Fast Cars, Clean Bodies: Decolonization and the Reordering of French Culture*. Cambridge: MIT, 1995.

Rousseau, Jean-Jacques. *Discours sur l'origine et les fondements de l'inégalité parmi les hommes*. 1775. Paris: Le Livre de poche, 1996.

Roussenq, Paul. *L'Enfer du bagne: Souvenirs vécus (Inédits)*. Paris: F. Pucheu, 1957.

Said, Edward. *Culture and Imperialism*. New York: Alfred Knopf, 1993.

---. *Orientalism*. New York: Vintage, 1979.

Sanchez, Jean-Lucien. *A Perpétuité: Relégués au bagne de Guyane*. Paris: Vendémiaire, 2013.

---. *La relégation des récidivistes en Guyane Française. Les relégués au bagne colonial de Saint Jean du Maroni, 1873-1953*. PhD dissertation EHESS, 2009.

---. "Les Lois Bérenger (lois du 14 aout 1885 et du 26 mars 1891)". *Criminocorpus. Histoire de la criminologie*, 3 (2005). Accessed April 5, 2015. doi: 10.4000/criminocorpus.132

Schafer, Sylvia. "Between Paternal Right and the Dangerous Mother: Reading Parental Responsibility in 19th Century French Civil Justice." *Journal of Family History*. 23.2 (1998).

Schwartz, Vanessa R. *Spectacular Realities: Early Mass Culture in Fin-de-Siècle Paris*.

Berkeley: University of California Press, 1998.

Scott, James. *Weapons of the Weak: Everyday Forms of Peasant Resistance*. New Haven: Yale

University Press, 1985.

Shepard, Todd. *The Invention of Decolonization: The Algerian War and the Remaking of France*.

Ithaca: Cornell UP, 2006.

Spieler, Miranda. *Empire and Underworld: Captivity in French Guiana*. Cambridge: Harvard,

2012.

---. *Empire and Underworld: Guiana and the French Legal Imagination. 1789-1870*. PhD

dissertation, Columbia University. 2005.

Spivak, Gayatri. "Can the Subaltern Speak?" *Social Theory: the Multicultural and Classic*

Readings (1998).

Stoler, Ann L. *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense*.

Princeton, N.J.: Princeton University Press, 2009.

Stovall, Tyler. *Transnational France: The Modern History of a Universal Nation*. Boulder:

Westview Press, 2015.

Thomas, Martin. *The French Colonial Mind*. Lincoln: University of Nebraska Press, 2011.

Todorov, Tzvetan. *Nous et les autres: La réflexion française sur la diversité humaine*. Paris:

Seuil, 1989.

Toqueville, Alexis de & Beaumont, Gustave. *Du système pénitentiaire aux États Unis, et de son*

application en France. Paris: Fournier Jeune, 1833

Toth, Stephen. *Beyond Papillon: The French Overseas Penal Colonies, 1854-1952*. Lincoln:

University of Nebraska Press, 2006.

- . "Colonization or Incarceration? The changing role of the French penal colony in fin-de-siècle New Caledonia." *Journal of Pacific History* 34.1 (1999): 59-74.
- . "The Lords of Discipline: The Penal Colony Guards of New Caledonia and Guyana," *Crime, History and Societies* 7.2 (2003).
- Vigna, Xavier. *Histoire des ouvriers en France au XXe siècle*. Paris: Perrin, 2012.
- Wagniart, Jean-François. *Le Vagabond à la fin du XIXe siècle*. Paris: Belin, 1999.
- Weber, Eugen. *France, fin-de-siècle*. Cambridge: Belknap, 1986.
- . *Peasants into Frenchmen: The Modernization of Rural France, 1870-1914*. Stanford: Stanford University Press, 1976.
- Weil, Patrick. *Qu'est-ce qu'un Français?* Paris: Grasset, 2002.
- Wilder, Gary. *The French Imperial Nation-State: Negritude & Colonial Humanism between the Two World Wars*. Chicago: University of Chicago Press, 2005.
- . "Unthinking French History: Colonial History Beyond National Identity." *After the Imperial Turn*. Antoinette Burton, ed. Durham: Duke University Press, 2003.
- Zinoman, Peter. *The Colonial Bastille: A History of Imprisonment in Vietnam, 1852-1940*. Berkeley: University of California Press, 2001.

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B.A. in Modern Languages, French & German	
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RESEARCH INTERESTS

Criminology and Carceral Systems, Nineteenth-Century Cultural History, Colonialism, Subaltern Studies, Intellectual History, Sociopolitical History and Social Thought, French and Francophone Civilization

CONFERENCE PRESENTATIONS

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- "New Neighbors: Movement and Establishment of the Recidivists' Families at the French Penal Colonies (1885-1943)" WSFH Annual conference *In Motion: The Circulation of People, Commodities and Ideas*. Atlanta, GA. October 2013
- "Sisyphus' Punishment: Views on Labor at the Penal Colonies (1885-1938)" SFHS Annual Conference *War and Peace in French History*. Montreal, Canada. April 2014
- "If I Stay it Will Be Double: Deserting the French Penal Colonies to Find Work" WSFH Annual conference *Conflicts*. San Antonio, TX. November 2014
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