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► **To cite this version:**

Marc Renneville. The penal colonies: from utopia to potential case dismissal. *Criminocorpus, revue hypermédia*, 2007, The Penal Colonies, 10.4000/criminocorpus.2965 . halshs-01390367

HAL Id: halshs-01390367

<https://shs.hal.science/halshs-01390367>

Submitted on 1 Nov 2016

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Publisher
Criminocorpus

Electronic version

URL: <http://criminocorpus.revues.org/2965>

ISSN: 2108-6907

Electronic reference

Marc Renneville, « The penal colonies: from utopia to potential case dismissal », *Criminocorpus* [Online], The penal colonies, Présentation du dossier, Online since 01 January 2007, connection on 01 November 2016. URL : <http://criminocorpus.revues.org/2965>

The text is a facsimile of the print edition.

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The penal colonies: from utopia to potential case dismissal

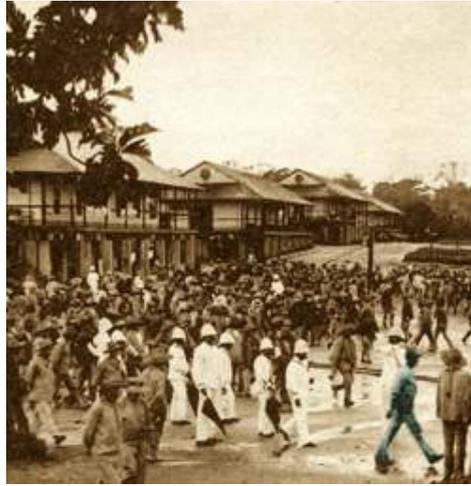
Marc Renneville

EDITOR'S NOTE

Translated by Patricia Bass

1 The penal colonies established in France's colonies, where hard time was as much to distance criminals from Metropolitan France as it was to eliminate them, were intended for political prisoners, criminals condemned to hard labor, and, under the Third Republic, repeat offenders.

2 These penal colonies were the product of two intersecting utopic visions: the idea of reforming individuals through work, and that of colonization via forced exile. These two dreams were developed under the Ancien Regime when massive deportations occurred, but penal exile did not become a



systematic form of politics until the Revolution when the deportation of common-law repeat offenders was written into the first French Penal Code (read an extract from the 1791 Penal Code). Shortly after, the law of August 26th 1792 inaugurated an era of political deportation, as it called for nonjuring priests to be forced into exile in French Guiana. This practice was intensified during the National Convention when the law of April 23rd 1793 extended the deportation of resistant priests to clergymen denounced for “uncivic activity” (*incivisme*), but England's naval block prevented the implementation of these measures.

3 After the Thermidorian Reaction, the Jacobins fell on the other side of this very law that they had passed. Starting in 1795, political prisoners were sent to the coast of French Guiana (Billaud-Varenne, Collot d'Herbois, and other areas). The Coup of 18 Fructidor provoked further deportations, like those of J-J. Aymé, Barbé-Marbois, Boissy d'Anglas, Carnot, Laffon de Ladebat, Pichegru, Portalis, Ramel, and many others. In the spring of 1798, the Directory decided to deport a large number of priests to Cayenne (the capital of French Guiana). Following the attack on rue Saint-Nicaise on December 24th 1800 (during the French Consulate), it was, yet again, the Jacobins' turn. All of these deportations were characterized by a particularly high mortality rate of those condemned. The priests paid dearly and politicians, like Collot d'Herbois and Tronson du Coudray, were not spared from the death toll either. We probably owe the expression “guillotine sèche” (dry guillotine) – meaning a deportation sentence – to the latter: forced exile was tantamount to a bloodless (dry) death sentence.

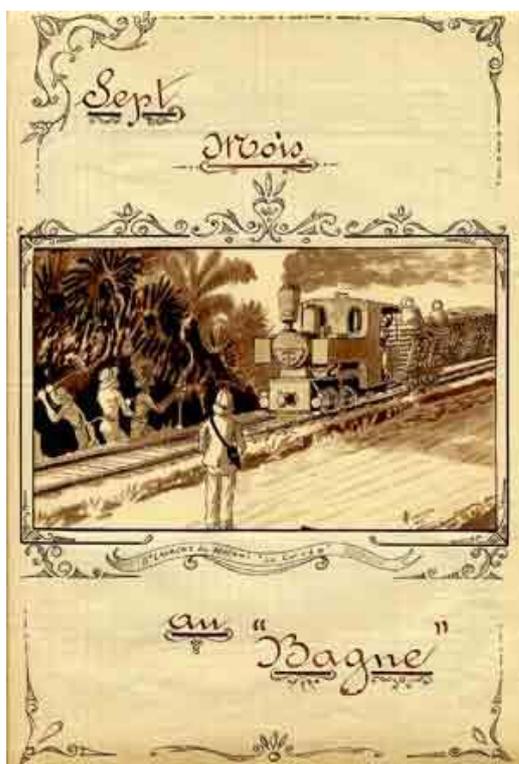
4 Only a few of these first deportees in Guiana survived (Billaud-Varenne), escaped (General Pichegru), or made it back to the mainland by becoming a political cause (Barbé-Marbois). Those that became political causes contributed to the interruption of political deportations...that is, until the June 1848 repression of insurgents when those found guilty were threatened with being sent to Africa. Because of the pardons granted by judicial and military bodies, the law of January 24th 1850 (read the decree of application made January 31st 1850) affected less than 500 individuals, who were sent to Lambaesa, in Algeria (near Constantinople). The law of June 8th 1850 replaced the death penalty (abolished by article 5 of the constitution, as Louis-José Barbançon's article describes) with deportation, and had an opposite effect than that of the law of January that same year. This time, over 6000 prisoners were sent to Algeria, while Guiana received 330. Twenty years later, the repression of the Paris Commune provoked the ultimate mass

deportation of the 19th century: over 4500 prisoners were deported to New Caledonia. Certain among them (Louise Michel, Jean Allemane, Henri Rochefort, etc.) witnessed yet another repression – that of the 1871 insurrection in Algeria – which led to an influx of several hundred Algerian deportees in New Caledonia (Aziz Ben Cheikh El Haddad, Bou Mezrag Mokrani, among others).

- 5 The application of the laws of March 27th 1852 and of May 30th 1854 regarding the transportation of common law criminals condemned to hard labor led to an increase in penal colony populations based primarily on common law criminals. The effects of these laws were felt for a century (see Michel Pierre's article). Between 1852 and 1867, over 18,000 convicts were deported to Guiana. The goal was to reabsorb the population of seaside penal colonies that had replaced the galleys (those in Brest and Rochefort closed in 1858, Toulon in 1873), but such a penal strategy was not the only reason for this new influx. No law, and no convoy could justify itself based on the positive results of previous penal experiments. When France began massive deportations in the middle of the 19th century, England was stopping their own because they were considered a failure. The history of overseas penal colonies is, thus, tightly connected to a political rationale that varied greatly over time and due to context.
- 6 The excessive death rate in Guiana led the French government to stop sending new convoys of European prisoners there in 1867, instead deporting them to New Caledonia. Nevertheless, the penal colonization of Guiana was re-sparked in 1886 with the law of May 27th 1885 which instituted the deportation of repeat offenders.
- 7 Conceived as a simple supplementary punishment to add to the main sentence, deportation allowed light prison sentences (as light as 3 months of incarceration) to be transformed into life sentences. The colonies resented the arrival *en masse* of delinquents on their shores, so the Senate added a “work obligation” to the deportation sentences so that those condemned could not obtain freedom once they reached their destination.
- 8 The deportation of common law and political prisoners was, in the end, a failure¹. The publication of Albert Londres' 1923 report on the Guianese penal colonies reinforced mounting public opposition to this inefficient punishment which was simultaneously criticized as too “light” for serious criminals and “too hard” for small-time crooks. In 1936, the Popular Front (*Front populaire*) decided to stop sending penal convoys to Guiana. In 1938, the transportation of prisoners condemned to hard labor was abolished (read the decree of June 17th 1938). In 1942, it was decided that sentences were to be carried out in penal institutions inside mainland France (see the decree of July 6th 1942). The Guianese penal colonies were, from that point onward, no longer nourished by incoming prisoners and they progressively closed starting in 1944.
- 9 Odile Krakovitch² compiled several statistics concerning these overseas penal colonies which held roughly 102 100 prisoners from 1853 to 1938, according to her estimates. This number includes:
 - **In Guyana:**
52 000 common law prisoners and 15 600 delinquents and/or repeat offenders
 - **In New Caledonia:**
20 000 common law prisoners, 10 000 delinquents and/or repeat offenders, and 4 500 political prisoners

- 10 The preceding numbers do not take into account the female population of penal colonies, which numbered around 2000 (1859-1914):
- **In Guyana:**
387 common law prisoners and 519 delinquents and/or repeat offenders.
 - **In New Caledonia:**
200 common law prisoners, 457 delinquents and/or repeat offenders, 250 (undefined) prisoners, 85 réclusionnaires and 24 political prisoners.
- 11 Once they were permanently shut down, overseas penal colonies were themselves relegated in our collective memory. Their position oscillates between being a mnemonic blind spot, or denial, and a contrast-ridden historical construct, or trope in the social imaginary, that was forged in the press and through first-hand accounts from when the colonies were still functioning. Between a “green hell” and “El Dorado”, this construct created a sort of “acquittal” of penal colonies that, little by little, stretched to include certain experiences and life stories. For example, the phenomenally successful story of Henri Charrière, known as Papillon (R. Laffont, 1969), long functioned as a prime example of the distancing effect of this construct. Although the book could not be considered as a historical source today, its massive distribution allows us to reflect upon the persistent strength of this penal construct.
- 12 This dossier compiled by *Criminocorpus* treats different aspects of overseas penal colonies without neglecting their (aforementioned) construction in the social imaginary (see Michel Pierre’s article, “Adieu Cayenne or the penal colony in the social imaginary”). We do not intend to entirely exhaust the penal colony as a subject of study, as many elements regarding its history remain, even today, unknown.
- 13 First, this dossier aims to provide key information on the judicial aspects of punishment that contextualize the penal colonies. Useful definitions of certain penal measures (deportation, transportation, relegation) and a detailed timeline linked to the most important legal texts can be found in this dossier, in the “Research Tools” category, as well as on our page of “Chronologies” (see Louis-José Barbançon’s timeline).
- 14 Studying the law of political deportation (June 8th 1850) and its application in the Marquesas Islands shows to what degree the subject of penal colonies is interlaced with political and colonial histories (see L.-J. Barbançon’s article). This is also the case when studying the law of relegation (see Jean-Lucien Sanchez’s article), especially when we compare it to the “Bérenger” laws (see J.-L. Sanchez’s article).
- 15 It is also important to remember the diversity of penal conditions overseas. For example, the penal establishments of Guiana are often grouped under the generic term “penal colony of Cayenne”. Aside from the fact that Cayenne was never the principle site of Guianese penal colonies, the situations and prison conditions of Cayenne inmates were very different than those of the prisoners of Saint-Joseph island, the chain-gangs of forest penal colonies, or the “house boys” forced into domestic service outside of the Saint-Laurent du Maroni prison system. The overseas penal experience was therefore highly diverse, and cannot be reduced to a simple comparison with concentration camps, an analogy developed by the American press following World War Two.
- 16 Instead of relativizing, we aim here to grasp the contrasting situations and human behaviors in order to render, as faithfully as possible, the rich and often contradictory collective memories of these penal spaces.

- 17 First, the lived experience of prisoners: their accounts increase sharply in the 1930s, when the legitimacy of the penal colony was put into question. Yet, for each written page, how many silences remain? Historians of the penal colonies are forced to readdress individual and collective trajectories. This is how one can read the painful history of the penal colony of *Indochinois*, the last “political” deportees sent to Guiana (see Danielle Donet-Vincent’s article). This colony is certainly less well-known than that of the Commune deportees, but just as representative of the repressive power of the Republic.
- 18 Also, the experience of the colonies’ personnel, which is still little known and largely covered up by the demonstrative force of films. When Steve McQueen plays Henri Charrière and his mate is Dustin Hoffman, the military guards of the penal colony can only function as foils (*Papillon*, 1973). As early as 1943, in *Passage to Marseille*, director Michael Curtiz showed clearly sadistic guards leaving Humphrey Bogart beaten in his cell on Saint-Joseph’s island. So, what is the penal colony? The viewer of these films learns that it’s a place with a deleterious climate, ridden with corruption, a place where the prisoners are forced to work until they collapse on a road that will never be built (the infamous “Route Zero”), a place that drives you crazy and where every escape attempt elicits gunfire without warning and where the dead are thrown to the native crocodiles. To think that this compelling set of clichés is established in less than three minutes. All the know-how of Warner’s Hollywood studios were mobilized to create this deformed vision that hit the nail on the head...
- 19 In reality, aside from the official discourse of colonial and military authorities, there were little opportunities for the voices of guards to be heard. Roger Flotat’s book (*Au plus chaud de l’enfer du bagne*, ed. Scorpion, 1957) is probably the only printed work that recounts the experience of the military personnel in charge of penal surveillance. This is why this dossier offers an exclusive interview with one of the last witnesses of the end of the penal colonies (see the interview with Emile Demaret). Thanks to the generosity of M. Philippe Zoummeroff, “Seven months in the penal colony”, a manuscript written by a military guard in the 1930s, is now available on our site as well (a presentation of the author is also in the works).
- 20 It is also important to understand the experience of those “auxiliary” to penal life, such as the civil population, clergy, and free population. Numerous archival sources remain unexploited and yet contain valuable testimonies on this topic. Danielle Donet-Vincent shows us, for example, their potential value by retracing the Jesuits’ actions during the development of prison colonies in Guiana (see Danielle Donet-Vincent’s article).



- 21 Therefore, the approaches and sources that can be used to study penal colonies are numerous. This dossier leaves many paths unexplored, but it will have achieved its goal if it helps prevent reductive simplifications of the penal experience. We shouldn't allow the perceived exoticism of the penal colonies overseas to distance us from what is our own penal history. It is tempting to see the history of such institutions as picturesque or as caricature, which separates these realities from contemporary forms of punishment. This doomed utopic vision is nevertheless the consequence of a penal construct that remains itself a part of our current existence.

APPENDIXES

« Sept mois au bagne » : daté de 1931, un témoignage inédit de la vie quotidienne dans les bagnes de Guyane. L'une des pièces manuscrites à découvrir dans le dossier « Bagnes coloniaux »

« Est-il possible de voir le bagne en sept mois ? Je réponds franchement non !

A plus forte raison ceux qui ont visité le bagne en quinze jours et qui ont écrit sur ce que l'administration pénitentiaire a bien voulu leur faire voir.

Pour visiter le bagne et le voir de tout près, comme à la loupe, il faut s'y introduire sous l'uniforme d'un simple garde « chiourme » et encore, tout en étant au dernier échelon de la hiérarchie de la « tentiaire », il y a une foule de choses qui vous échappent. Mais néanmoins, on peut observer et fouiller ce que l'administration pénitentiaire cache jalousement aux yeux profanes des écrivains du bagne qui y sont venus en amateurs.

Les pages qui suivent décrivent très exactement ce qu'est le bagne sans prose superflue. C'est tout simplement la vie du surveillant et du condamné telle qu'elle est sous le climat débilitant de la Guyane française.

Je remercie donc bien sincèrement le lecteur qui voudra bien lire ce petit ouvrage qui très

certainement l'intéressera.

Signé : Berryer »

Archive document

NOTES

1. According to Louis-José Barbançon, “transportation” referred to the exile of common-law criminals (“les transportés”), “deportation” referred to political exile (“les deportés”), and “relegation” referred to the exile of delinquents and repeat offenders (“les relégués”). Barbançon provides more detail here: <https://criminocorpus.org/chronologies/15712/>.
 2. Odile Krakovitch, *Les femmes bagnardes*, Paris, O. Orban, 1990, p. 260.
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Chronological index: Deuxième République (1848-1851), Période révolutionnaire et Premier Empire (1789-1815), Quatrième République (1946-1958), Restauration et Monarchie de Juillet (1815-1848), Second Empire (1852-1870), Seconde Guerre mondiale (1939-1945), Troisième République (1870-1939)

Geographical index: Algérie, Brest, Guyane, Lambessa, Nouvelle-Calédonie, Rochefort, Toulon

Keywords: penal colony, recidivism, hard labor

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