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The Portuguese Empire, 1100–1932

Timothy J. Coates

Introduction

The Portuguese use of convict labour has its roots in Roman law and the creation of the nation state itself in the high Middle Ages. Convict labour continued in a variety of forms until the great depression of the 1930s ended the Portuguese state's last bold experiments with forced labour in its African colonies. Over this extraordinarily long period, the authorities in Lisbon extracted labour from convicts at home during the medieval period (see below) based on a relatively mild form of punishment/relocation to frontier towns within Portugal. Portugal also had some limited use of galleys and their associated labour. Later the growth of the Portuguese Empire was bolstered by convict labour, providing additional manpower for the army and (to a lesser extent) the navy. In more modern times, the formation of a professional military allowed it to supervise convict labour in controlled areas of Angola and Mozambique, building the necessary colonial infrastructure for free colonization, which followed later.

As a result, convicts and their labour in this very long view of Portuguese history are a critical, yet largely unexplored, aspect of the frontier, state formation, overseas expansion, the military, social control, the slow demise of slavery (in Portuguese Africa), penal reform and New Imperialism. Without their contributions during early modern times, the Portuguese state would have been even more dependent on slavery or the hiring of foreign troops. During the nineteenth and twentieth centuries, Portugal would have had greater difficulties in retaining control of Angola and Mozambique, its two largest and most promising colonies in Africa in the era of the European scramble for colonies. In addition (European and African) convict labour form important but totally neglected chapters in the national histories of both Angola and Mozambique as well as Portuguese colonial history in the nineteenth and early twentieth centuries.

The terminology of medieval and early modern crimes

In order to understand the logic of sentencing, it is important to recognize how legal codes outlined the relative severity of crimes. Before the 1850s, Portuguese legal codes

were compilations collected during the reign of a given monarch and then named accordingly. While there were other collections, three merit special attention: the 1450 *Ordenações Afonsinas*; the 1521 *Ordenações Manuelinas*; and especially the third and most durable of these, the *Ordenações Filipinas*, published in 1603. This last collection remained the law of the land until legal reforms of the nineteenth century. These collections built upon each other, revising but not seriously altering punishments, and maintaining the tripartite view of crime and punishment discussed below.

The terminology used for crimes committed in the Middle Ages and early modern period appears vague to the modern reader when contrasted with our very specific legal terms such as 'felony', 'grand larceny' or 'first-degree murder'. Rather, the crown and courts viewed crimes as belonging to one of three very broad categories: unpardonable, serious or minor. Of these three, only unpardonable crimes were crystal clear and consisted of heresy, treason, sodomy, and counterfeiting money or forging documents. This is an odd list to a modern reader but these crimes threatened the state at its religious, political, social and financial roots (respectively) and were dealt with most severely. Those who committed unpardonable crimes received the longest and harshest sentences, such as life to Angola (when sentenced in Portugal or Brazil) or ten years in the galleys. At the other end of the scale, minor crimes were actions such as passing a note to someone in jail or theft of a small object of little value. Sentences for such acts were frequently very lenient, such as six months' banishment from town or one year in Castro Marim. Some minor crimes were punished by public whippings, depending on the crime and the status of the accused. For example, bakers who sold their bread at places other than their licensed bakery or merchants who used false weights could be whipped rather than sentenced to *degredo* or exile.¹ Every town in Portugal had a pillory where local justice was served as well, again for minor infractions. Just about every other criminal act fell somewhere in the middle or 'serious' category and punishments varied widely depending on the court's understanding of the details of the crime.

Murder, a serious crime (but not unpardonable), is a good example of how elastic this category can be. In the bailiff's notebook cited below, eleven men were guilty of murder, yet their sentences varied widely: six were sentenced to life in Angola, two were given ten years in Angola, one for five years to the Colônia do Sacramento (extreme southern Brazil, in modern Uruguay), one to Castro Marim for only three years and one to São Tomé for life. On paper they all committed the same crime of murder, yet clearly the court was taking into account the details of their cases and sentencing accordingly.

Minor and serious crimes were also those forgiven in periodic pardons issued by the Old Regime for the birth of a royal child or monarch's birthday or wedding. For example, King D. Afonso VI issued such a pardon for those guilty of minor crimes to celebrate the entrance into Lisbon of his future wife, the Princess Maria Francisca of Savoy in 1666.

Note that being held in jail was not a customary sentence; in fact, the vast majority of convicts were only in jail until their sentences were confirmed. Nor was the death sentence used with any frequency. It existed and the state was fond of threatening the guilty with its application if they returned before completion of their sentences; however, the

state rarely made good on this threat. Portugal, in fact, was one of the first countries to abolish the death penalty (in stages in the nineteenth century) and the reason for this is clear: even during medieval and early modern times, the Portuguese state very rarely used it. Why? Portugal had a modest population during this period, rising to 1.1 to 1.4 million by 1527, over 2 million by 1732 and 3 million a century later.² This very low population coupled with global manpower requirements translated into a reality where each and every person, including *and especially* the fringe elements of society, was too valuable; implementation of the death penalty would have been counter-productive.³ This is in sharp contrast with several other much more populous early modern states, such as France or the United Kingdom, and basic demography is at its root. Orphan girls and boys, prostitutes, the Roma and especially convicts all offered constructive possibilities for the early modern Portuguese state, and all had their uses.⁴

Rather than jail or death, punishment was banishment or exile for a determined period. This was a sentence of *degrado* or exile; the convict was a *degradado*. The cognate in English is 'degraded', meaning that one's mobility and status were downgraded (from freedom) and restricted. This could and did take various forms. The most lenient of these was simple banishment from a town or jurisdiction for a limited period. For example, for insulting a crown official, a minor crime, someone might be banished from town for six months. A more severe punishment was being sent to a specific locale for an extended period. Two years' obligatory residence in Castro Marim or five years in Angola are good examples (as in the bailiff's notebook, below).

The beginning of the punishment was the transportation itself to the assigned locale. In the first, medieval stage, the guilty made their way alone on foot to a remote frontier town and then had to find a home and some sort of work. In the early modern period, the beginning of the punishment was walking on the chain-gang to Lisbon and being held in Limoeiro prison. Once placed on a ship, we can assume the convict had some mobility and men may have even worked on board if they had the necessary skills. When the ship arrived at the assigned locale, the convict would take his or her papers and report to the local magistrate. They would then have faced the same difficulties of finding a place to live and some sort of work. When the guilty party reached the end of his or her sentence, the local judge was responsible for issuing a certificate affirming this.⁵ Then, in theory, the former convict was free to travel and reside anywhere he or she desired. From what can be gleaned from the parish records, those sent to internal exile in Castro Marim did not remain there and in all likelihood made their way on foot back home. Overseas, it is a different story. After five or ten years' residence in a town, it is more probable that these individuals had created a place for themselves and did not feel the need or have the funds required for a return voyage to Portugal. During modern times, the state transported convicts to Africa, supervised them in a variety of labour schemes and then offered them transport back to Portugal, something their labour had helped pay for. The vast majority appear to have accepted the offer and returned from Africa.

Little has been said so far about women in this chapter and the reason is straightforward: there is precious little documentation on individual convicts before the 1880s and women formed an estimated 5 per cent of the total convict population. The state and Inquisition sent women to Castro Marim and Brazil almost exclusively. A sentence to

Castro Marim was comparatively light when compared to most of Portuguese Africa. Women were deliberately sent to Brazil in disproportionately large numbers compared to men both because it was a healthier climate and the Portuguese population in Brazil was heavily male. Female convicts and sinners offered the promise to stabilize, if not increase, the European population in Portuguese America.

So, in terms of creating new colonizers for distant outposts, for the medieval period the answer is unknown. For the early modern period, this system probably did provide additional colonizers for places where convicts could create new prosperous lives (e.g. Goa, Brazil) but probably not where tropical diseases made such a new life more questionable (e.g. São Tomé, Mozambique Island). In modern times, while some convicts remained in Luanda and Mozambique Island after completion of their sentences, the vast majority appear to have returned to their homelands.⁶ This was in spite of the best efforts made by the state, especially in modern times.

Courts and the collection and transportation of convicts from Portugal

Portugal was precocious in forming a national legal code and judicial system as the state grew during the *Reconquista* (the Christian reconquering of Iberia from Muslims) during the Middle Ages. A system of local and higher courts of appeal developed and sentenced the guilty following the guidelines in national legal codes (as mentioned above). Locally appointed judges (known as 'ordinary') as well as university-trained justices known as 'outside judges' (*juizes da fora*) occupied municipal posts. Above them were district justices (*corregedores*), and both Porto and Lisbon had appeals or high courts. Those guilty of minor infractions and sentenced to a mandatory period within Portugal were given a limited period to make their way (unsupervised and normally on foot) to their places of exile. Typically, this was thirty days but courts could extend this grace period to sixty or ninety days when the guilty parties required more time to settle their affairs. Once they arrived in these distant frontier towns, they would present their papers to the local judge (or town council or other official) to mark the beginning of their sentences.

During early modern times, those guilty of more serious offences were collected on periodic chain-gangs that made their way to Lisbon, adding additional offenders en route. The outline of this collection process was provided in the *Ordenações Filipinas*, but the most detailed explanation appears in a document dated from July 1582. In it, the king orders that each local magistrate certify the names of the convicts being conducted on the chain-gang, their sentences, where they have been banished, for how long, their ages and any identifying marks on their bodies or any deformities in their legs or feet. This last detail was important since it could help identify escapees. These instructions mandated that local jails be emptied every three months and convicts brought to Lisbon once there was a minimum of six convicts. The chain-gang then made its way to Lisbon passing from town to town, supervised by local judges. The gang grew in number by adding those detained in each town. The instructions further noted that this was the manner in which those destined for the galleys were collected

and that these new regulations would end the previously ineffective and unsupervised system by which each prisoner made his own way to Lisbon.⁷

Once they arrived in Lisbon, they were housed in the main jail, Limoeiro, directly above the cathedral and below the Castle of São Jorge. Called ‘limoeiro’ or ‘lemon grove’, originally it had probably been the site of a lemon orchard. The cathedral, in fact, is the probable site of the former mosque of Lisbon and right outside it was a traditional place of execution for the convicted. The entire area around the cathedral (just below Limoeiro) had long been closely associated with justice and punishment, dating from the Islamic era (i.e. before 1147). Limoeiro was but one of several jails in Lisbon. Originally a royal place and later the royal mint, the building was converted into a public prison by 1481.⁸ There were several jails in Lisbon, including a municipal jail and later an ecclesiastical jail but Limoeiro was the main focus for convicts destined to some sort of forced labour.⁹ In Limoeiro, they awaited the departure of a ship for their determined place of exile. Prisoners were held downstairs in the lower floor while the upper floor housed the appeals court. Later, as the number of prisoners increased, the entire building was used as a prison and the courts moved elsewhere. This probably occurred when the building was remodelled after damage in the 1755 earthquake. It continued to be used as a prison well into the early years of the twentieth century when it held a number of prisoners accused of plotting against the republic, established in 1910 (see Figure 2.1).

This was how the system was supposed to work, and if it had been followed accordingly it would have produced a good amount of documentary evidence. However, we have virtually nothing to demonstrate the system in action. The 1755 earthquake in Lisbon destroyed much of the legal documentation and case files that would have facilitated studies of crime in early modern Portugal. There are a couple of random references in documents to escapees from chain-gangs, but these tell us very little.¹⁰

In neighbouring Spain, which also had chain-gangs conducting convicts to work in mines and ports, we have a famous reference in *Don Quixote* where:

The knight ... saw ... a dozen or so men on foot, strung together by their necks like beads on an iron chain and all of them wearing handcuffs. They were accompanied by two men on horseback and two on foot ... ‘That’ said Sancho as soon as he saw them, ‘is a chain of galley slaves, people on their way to the galleys, where by order of the king they are forced to labor.’¹¹

Indeed, such sights must have been relatively common in Portugal as well, and it is easy to imagine similar chain-gangs moving through the Portuguese countryside during early modern times.

A bailiff’s notebook

The most revealing single document demonstrating this collection process is a 1689 bailiff’s notebook from Limoeiro in which he lists the fifty-four convicts in his charge,

Figure 2.1 Limoeiro prison as shown before 1932. Painting by Ribeiro Cristino

Source: Júlio de Castilho, *Lisboa Antiga*, vol. 9 (Lisbon: Câmara Municipal, 1937), 59

their names, crimes and sentences.¹² In this unique list, the bailiff very clearly states the arrival of eight different chain-gangs (*levies*) in the three year span of his notebook (1689–1691) and also notes arrival dates for the others but does not specifically use the word ‘levy’ or ‘chain-gang’ but given the context, this can easily be assumed. Of this group, forty-six are men, guilty of (when stated) murder (eighteen cases), theft (five cases) and kidnapping (two cases); while contempt, escaping from jail and tobacco smuggling have one transgressor each. The eight women (when stated) are guilty of murder (four cases) and theft (one case). For the men, it is impossible to know details of their crimes but generally if we examine the distance of their places of exile, we can get a sense of the seriousness of their infractions, as discussed above. Murderers were sent to Angola, São Tomé, for ten years to life or in some cases, Castro Marim (i.e. within Portugal). Female murderers were all sent to Brazil and when we know the details of their crimes, they typically killed their husbands.

This particular list also reveals that this collection and transportation system was not as swift or smooth as it appears when reading its guidelines. Several of the inmates had yet to have their sentences confirmed by the high court in Lisbon (thirteen cases) in spite of being in jail from six months to two years. Three inmates were pardoned, another three left jail and had not returned, one died in jail before receiving his sentence, and in two cases, the bailiff noted the inmates were very young and received *deligencia de menoridade*, what one can only assume was an early form of juvenile probation.

Only the first convict listed left for his exile, meaning all the remaining forty-four were still being held in Limoeiro and some had been there for as long as two years.

Such problems in the system have the potential to reveal a great deal. Before 1800, we can learn much more about convicts and the penal system in general when something goes wrong than when everything continues smoothly with no problems or paper trail. Convicts escape from the chain-gang and a local judge writes a letter to an official. Others escape from jail in Lisbon and again, there is a paper trail. A ship sinks at sea and a secretary notes that thirty-eight convicts were on board, bound for India. Convicts from Goa fled to Bengal, beyond the reach of the Goan courts and the legal response was to issue pardons specifically intended to lure them back. Courts in Brazil issue blanket pardons for convicts willing to fight the Dutch. In all of these cases, we see fragments which mean little in isolation but that point to a much larger system at work.

Because of the extraordinarily long time frame and the shifting uses of convict labour discussed here, it might provide greater clarity to divide the state's use of convict labour into four distinctive segments:

1. legal havens of the medieval era and galleys
2. from 1415 to c. 1500
3. from 1500 to 1822
4. from 1850 to 1932

We can now turn to each of these segments. The first three are really one long development, each segment a bit more complex than the previous. The last segment is unique and a complete break from past practices.

Legal havens of the medieval era and galleys

In the first of these segments, which is exclusively internal to Portugal, convicts were encouraged to move to any of a series of border towns in the far north or extreme east of the country (see Map 2.1). This was initiated by the crown on a town by town basis, creating legal havens where male convicts, guilty of a wide range of crimes, could relocate and avoid legal prosecution. Generally, these havens were open to those guilty of virtually any crime, with the notable exception of treason, treachery or individuals sentenced to reside in a specific locale exile (*degredados*). This process was well established by the reign of King D. Dinis (ruled 1279–1325). In 1308 he established Noudar as a legal haven and the number of these havens grew to include the many frontier towns shown on Map 2.1. King D. Fernando (ruled 1367–1383) enacted some of Portugal's first laws aimed at curbing vagrancy and defining the 'deserving poor', stating that 'the poor capable of any work of occupation must engage in it [i.e. agriculture] while those who are elderly or ill shall be given a license to beg'.¹³ In 1406 King João I limited the number of legal havens to five. Slowly over the next two centuries, a much longer list of exclusions and several more towns would be added by royal decree. Those guilty of 'heresy, sodomy, first degree murder, kidnapping a

married woman, [some cases of] theft, and highway robbery' were excluded from havens in 1433, and the *Manueline Ordinances* of 1521 also excluded those guilty of counterfeiting, falsifying statements or injuring judges.¹⁴

Map 2.1 Sites of internal exile within Portugal

Examples of legal havens indicated on the map (date of royal decree establishing status as a haven when known) as follows:

1. Caminha (1406); 2. Chaves (before 1483); 3. Mirandela; 4. Celorico de Basto (1441); 5. Miranda do Douro (before 1483); 6. Freixo d'Espada Cinta (before 1406); 7. Sabugal (1369); 8. Segura (1421); 9. Alhandra (ended in 1586); 10. Sesimbra (1492); 11. Marvão (before 1483); 12. Noudar (1308); 13. Mértola (ended in 1535); 14. Castro Marim (1524).

This is far from a complete list since other towns in Portugal also functioned as legal havens and those listed above were periodically removed or renewed.

The guiding principle behind the creation of these havens was to increase the population in these remote frontier outposts. The details for each town differed and in some cases residents were excused from military service and some taxes. In other cases, the guilty party could even leave the town for a limited period to conduct business as long as he maintained his residence in the town for most of the year. On the other hand, providing additional manpower for garrisons, as needed in wartime emergencies, was a guiding motive for manning these havens. This system was loose and poorly supervised, but it succeeded in removing a dangerous transgressor from society and relocating him (this system was limited to males only) to a distant frontier outpost while providing a buffer from hostile forces. Little is known about what these people actually did since the documentation is scanty. However, as in the Spanish imperial context discussed by Christian G. De Vito in this volume, many must have acted as soldiers, particularly in emergencies. Obligatory residence as a sentence ranged from five to twenty years, depending on the crime and location.

A secondary and more limited use of convict labour during this late medieval times, continuing through early modern times, was in the navy sending men to the galleys. In both cases, numbers were restricted since most legal havens had a cap (ranging from ten to fifty men) and the number and size of the galleys determined their manpower requirements. Galleys had a limited applicability in Portugal since they were designed for use in the calmer waters of the Mediterranean rather than the Atlantic, so Portugal used galleys infrequently. They did use them however, and a sentence to the galleys was typically reserved for unpardonable offences and for ten years, which the courts equated with a life sentence. The Inquisition coordinated with the state to sentence men (normally those guilty of bigamy or sodomy) to time in the galleys.¹⁵ We have a much clearer idea about what these convicts did. The demand for labour on the galleys themselves was limited by their number and the length of the oars. However, by the mid-eighteenth century, a sentence to work on the galleys grew to include the more generic punishment of 'public works' which were normally a variety of naval-related tasks. These might include filling sand bags for ballast, making rope or carpentry work in the shipyards.

Convicts were largely illiterate but we are fortunate to have one exception; Gabriel Dellon, a French medical doctor who ran afoul of the Inquisition in Goa and eventually ended up working in the galleys in Lisbon. He left us the following account of his time there in 1676:

All the convicts were fastened in pairs by the leg, with a chain about eight feet long. Each prisoner had a belt of iron about his waist, to which it might be suspended, leaving about three feet in length between the two. The galley slaves are sent daily to work in the shipyards, where they are employed in carrying wood to the carpenters, unloading vessels, collecting stones or sand for ballast, assisting in the making of rope or in any other labour for the Royal Service, or for the officers who superintend them, though ever so mean and degrading.

Amongst those condemned to the galleys are not only persons committed from the Inquisition and the Civil Tribunals, but also fugitive or intractable slaves, sent by their masters for correction and amendment, Turks who have been captured from the Corsairs of Barbary; and all ... are employed in the most disgusting drudgery, unless they have the money to give the officers ... Each [slave] has his head and beard shaved every month. They wear frocks and caps of blue cloth ... Each prisoner has half a pound of extremely hard and very black biscuit daily; six pounds of salt meat every month, with a bushel of peas, lentils, or beans, with which to do as they please ... They are conducted every morning to the shipyard, which is half a league distant, where they work incessantly at whatever task is given to them to do, until eleven o'clock. From that time until one, is allowed for rest or refreshment. When the one o'clock strikes, they are summoned to resume their tasks until night, and are marched back to the Galley.

When a slave has business in town, he is allowed to go out, and even without his companion if he chooses, on paying a guard, who attends him everywhere.¹⁶

Galleys were obsolete by 1717, but sentences of 'public works' continued for another 150 years, until 1867. For example, for several years after the 1755 earthquake galley prisoners in Lisbon helped clear collapsed buildings and streets of rubble. Those like Dellon sentenced to work in the galleys, were held in a separate prison near the docks at the edge of the Tagus River below the cathedral.

Legal havens in Portugal were abolished in 1692 with the notable exception of Castro Marim (see below) but they were duplicated overseas in both Portuguese Asia and Brazil. In Portuguese Asia, both Daman and Cannanore were legal havens as were two critical fortresses guarding the entrance to harbours in Goa. In Brazil, the town of Nossa Senhora da Conceição had this same function, as did other towns later.

As mentioned above, the notable exception to this first segment of internal legal havens within Portugal is the little town of Castro Marim in the extreme southeast corner of the country along the Guadiana River, only a few kilometres from its mouth on the Atlantic and opposite the Spanish town of Ayamonte (see number 14 on Map 2.1). There were a couple of factors that made this town unique and because of which royal authorities would allow it to continue with this status while other havens were abolished. Castro Marim was one of the last towns captured by the Portuguese during the *Reconquista* and thus has a long history of being on the frontier, the edge of control for the Portuguese crown in Lisbon. It served as the headquarters for the medieval military order of the Knights of Christ, first fighting the Moors and then providing defence against any Spanish forces that might make their way across the river. Castro Marim protected the eastern Algarve (Portugal's southernmost province). The area around the town included Santo António de Arenilha, a fishing village on the Atlantic (modern day Vila Real de Santo António) where the crown was concerned about its loss of revenue from untaxed commerce.

In addition, Castro Marim had a well developed salt industry; salt pans surround the town. Piles of salt can be seen along the river front to the left in Figure 2.2, dating from the early 1500s.

The 1755 earthquake severely damaged Castro Marim as well as Lisbon, and its municipal archives only begin around 1780. We have no documentation showing what this pool of convict labour actually did there. However, it is logical to assume these men and women entered into the work force surrounding them. If that is correct, their (virtually free) labour made the local salt industry and agriculture thrive. For all of these reasons, Castro Marim continued with this unique status as a haven and was used as such with some frequency until the middle of the nineteenth century.¹⁷

The relationship then reversed between Castro Marim and Santo António. Santo António became the thriving regional commercial centre and the fortunes of Castro Marim, without its free labour pool, declined sharply. Its salt industry stopped (providing further evidence that it was supported by convict labour) only to be revived quite recently with modern technology and a niche market in the European Union for organic sea salt. Castro Marim is a good example of how vast, unexplored and multifaceted convict labour can be in the Portuguese case.¹⁸

CASTRO MARIM — Vista tirada da banda do norte

Figure 2.2 Castro Marim as seen from the north

Source: Reprodução anotada do Livro das fortalezas de Duarte D'armas (Lisbon: Editorial Império, 1943).

Initial expansion into the Atlantic and Indian oceans

The second chronological segment outlined above (1415–1500) covers the initial years of expansion of the Portuguese Empire globally. This is obviously a very complex and multifaceted process. Convicts played two very different and equally critical roles: emergency manpower as soldiers and cultural intermediaries. As in the Spanish Empire (Christian G. De Vito in this volume), convict soldiers were at the forefront of the expansion of Portugal into Ceuta in 1415 and North Africa in general in the fifteenth century. North Africa was (from the Portuguese perspective) a military battleground and a continuation of the *Reconquista* in Iberia. The Portuguese were equally eager to enter into the trans-Saharan gold and wheat trade and captured a series of coastal cities in modern Morocco. Finding sufficient troops for this struggle was a never-ending problem for the crown and one solution was a reduction in sentences for those convicts who volunteered to fight. A sentence of *degredo* to a locale in Portugal could be cut in half with such military service. For example, a sentence of four years to Castro Marim could be reduced to two years in Ceuta; there is ample evidence showing approximately eighty convicts moving back and forth from sentences of internal exile to military duty in North Africa during this early period. The primary outposts in Morocco affected were the three largest and most important: Ceuta, Tangier and Arzila.¹⁹

Portuguese military activity in North Africa was extensive in this period. In the century from 1415 to 1515, the Portuguese captured thirteen port cities along the coast of modern Morocco. The reality of this interaction was that the Portuguese were continually seeking out new soldiers to participate in these conquests. After more than a century, King D. João III realized the folly and futility of this North African adventure and withdrew from six of these outposts, strengthening the remaining three: Ceuta, Tangier and Mazagão.

The other role played by convicts in this period was as cultural intermediaries. It was a common practice on the Portuguese voyages of exploration (1400–1500) for the captain to bring several convicts to leave ashore at selected points along the way. These were typically murderers but the details of their crimes did not make it into the documentation. These men were deliberately left ashore in west and southern Africa and Brazil. The objective was for them to make contact with the local people, (ideally) be accepted by them, and learn their language(s) and aspects of their culture. They could then act as intermediaries when the Portuguese returned on the next voyage. Note that the state had nothing to lose and everything to gain in this experiment. If the convict were accepted and learned about the local people, the next interactions would be infinitely easier and more productive. On the other hand, if the convict were not accepted, killed or died due to disease, he could always be replaced.

Along the coast of west Africa, this policy had limited success due to tropical diseases encountered by the Portuguese. Throughout the early modern period, the Portuguese considered coastal west Africa as a virtual graveyard for this reason. However, this policy did result in one long-term development of note. Because of this interaction and trade, Portuguese became the language of commerce in West Africa and a unique ethnic group of Afro-Portuguese flourished in the region. Known as *lançados* or

tangomãos, these people were a successful merchant community.²⁰ While it is true this was driven by trade (not the judicial system) and the documentation shows this group developing later (in the 1550s), how to explain the beginnings of such a group if not with the arrival of abandoned convicts making their lives with the local people, learning their languages and initially facilitating trade with Portuguese merchants?²¹ This Afro-Portuguese group became so successful in avoiding the royal monopolies on trade that the Portuguese crown repeatedly tried to forbid their presence on the African mainland.

There are a number of interesting cases of such early intermediaries in the first century of the European presence in Brazil. On the first Portuguese voyage to Brazil in 1500, the captain, Pedro Álvares Cabral, left two such convicts. One was Afonso Ribeiro, part of a group of convicts on board, destined to be left along the route to India, as had Vasco da Gama during his voyage three years earlier. Two young cabin boys also abandoned Cabral's fleet in Brazil.²² The convicts were to learn the language and customs of the native peoples after which, it was said, 'no doubt they [the native peoples] will become Christians'.²³

During this initial contact phase in Brazil, many convicts were left along the shore and they were joined by survivors from shipwrecks. The most famous of these figures would have to be Diogo Álvares, better known as *Caramuru*. Exile to Brazil, as Ronaldo Vainfas has argued in his *Dicionário do Brasil Colonial*, 'was the first method used by the Portuguese to learn about the land and peoples of Brazil. In addition to providing interpreters, the punishment of exile to Brazil was increased after 1530 and became one of the main methods of populating the colony'.²⁴ There were undoubtedly many other convict intermediaries such as these but by their very nature they remain at the fringe and frequently beyond any documentation.²⁵ Once the Portuguese arrived in India, the need for intermediaries such as these ended and thus sentencing patterns shifted accordingly to the third segment. These shifts are displayed on a global basis in Map 2.2.

Convicts and the early modern empire

The third phase of this process extended from approximately 1500 until the independence of Brazil in 1822. That is, this phase covers the establishment of a global empire and lasts until its largest segment (Brazil) became independent. It was a period when the convict either provided military service or was envisioned as a settler.

Courts in Portugal, and as the empire grew, in Goa (India, court was established in 1554), Salvador (1609) and Rio de Janeiro (1751) matched distance from it with the severity of the crime to determine the convicts' destination. The more serious the crime, the more distant from the court was the place of banishment. Minor infractions meant being sent somewhere nearby; midrange crimes would mean being sent further away, perhaps overseas but not necessarily too far. Those guilty of the most serious infractions faced the galleys or the most challenging tropical locations in the empire (see Table 2.1).

Map 2.2 Convict transportation in the Portuguese Empire, 1415–1932

Table 2.1 Early Modern Courts and the Geography of Their Sentencing

Court in	Typical sentence for a minor crime	Serious crime	Unpardonable crime
Lisbon or Porto	Six months banishment from town or one year residence in Castro Marim	Two years in Mazagão (North Africa) or four years in Castro Marim	Life to Angola or to São Tomé, or ten years in the galleys
Goa (India)	One year banishment to Diu	Two years exile to Sri Lanka	Ten years to Mozambique or Timor
Salvador or Rio de Janeiro	One year banishment from town	Two years to Nova Colônia do Sacramento	Ten years to Angola

Convicts as military reinforcements

The seventeenth century in the Portuguese world was an extended period of political and military crises that demanded many more troops than those available to the crown at any given moment. This becomes abundantly clear when the various decrees directing the ever-changing destinations of convicts are compared with the larger political/military reality surrounding them. The two struggles that dominated the century for the Portuguese were the global war with the Dutch Republic (1598–1663)

and the restoration of Portuguese independence from Spain (1640–1668). However, the Portuguese also faced additional enemies, especially in Asia, such as the Omanis and Persians.

It is important to keep in mind that legal codes were quite specific as to crimes and their related places of punishment. They did not change; in times of crises (i.e. 1600–1670) necessity outweighed legality. Convict men were sent where they were most needed at the moment, in spite of any laws to the contrary. Once the crises years passed, the crown had the luxury to follow the established codes or not, as it wished. Three examples should make this clear.

In response to Portugal and its empire becoming part of the Habsburg Union of Crowns (1580–1640), the Dutch began attacking some of the weaker and most profitable locations in this united global Iberian Empire, many of which were Portuguese. They began by attacking São Tomé and Príncipe in 1598 to 1599 and followed this with capture of the Moluccas in 1605. Once the Portuguese broke away from Spain in 1640, they had to face the Dutch alone while also fighting the Spanish on their border. The Dutch attacked Salvador (Brazil) in 1624 to 1625; captured coastal Angola and Malacca in 1641; coastal Sri Lanka in the period from 1638 to 1658, and outposts on the Malabar Coast (S.W. India) in 1663.

The Portuguese were losing this struggle with the Dutch in Asia and thus we find that in the period from 1621 to 1695, the crown issued decrees directing such manpower be sent to Portuguese Asia on nineteen occasions.²⁶ The usual wording was ‘ships are about to depart’, or ‘round up those from places where games are played and vagrants are present’. But the most revealing statement was in 1621: ‘to complete any manpower requirements if a sufficient number of soldiers cannot be found.’²⁷ Similar decrees were issued for Brazil in the 1620s and 1630s, the most notable being a 1626 general pardon for all criminals in Brazil who agreed to fight the Dutch.²⁸ Parts of the Brazilian N.E. were occupied by the Dutch from 1630 to 1654, this last year being a turning point in the Luso–Dutch struggle when the Portuguese lost Sri Lanka and regained Brazil.

Nine similar decrees were issued to send convicts to São Tomé from 1639 to 1679, because, as one decree stated, ‘São Tomé is in great need ... of soldiers to defend the island.’²⁹ Parallel legislation was issued for many outposts under a Dutch threat, including Malacca in 1604, 1622 and 1624 (Malacca was attacked in 1606 and 1634 to 1640, captured by the Dutch in 1641) and Hormuz Island in 1621 and 1622 (Hormuz was captured by the English and Persians in 1622).³⁰

Similar drastic measures were used to conscript convicts for the war against the Spanish, which lasted for much of the 1650s and 1660s. At one point, the crown offered official citizenship to any Roma who enlisted in the army to fight the Spanish.³¹ Other, more traditional, means of recruiting focused on a quota of ‘solders’ to fight the Spanish, to be supplied by each town, city and region in Portugal. The first place these authorities looked to fill their quotas was the local jail.³² The military situation was sufficiently dire to warrant a stipulation in Catherine of Braganza’s famous 1661 dowry for King Charles II of Great Britain, a union designed to thwart the Dutch and Spanish in this struggle. The British agreed to send two regiments of cavalry to Portugal upon completion of the marriage ceremony. In the end, the Spanish were exhausted from

the Thirty Years War and the Revolt of the Catalans, and the Portuguese were able to defeat them on the battlefield and sign a peace treaty. The Portuguese paid the Dutch to retain Brazil in the 1661 Treaty of The Hague while the Spanish agreed to peace terms in 1668. These two military struggles exemplify the use of convict soldiers where they were critically needed.

A concrete example of a military emergency occurred in 1669 when the authorities in Lisbon sent a group of seventy-nine convicts to India to bolster the military presence in Goa and elsewhere.³³ In spite of the 1661 treaty, the Dutch were still a problem in South Asia, capturing cities along the Malabar Coast as late as 1663. Of the men in this group, the first ten listed had been sentenced to time in Brazil and now had their sentences cut in half but reassigned to Portuguese Asia to fight the Dutch. When their crimes are stated, they are typically guilty of theft or murder. The list does not state any other information other than the lengths of their sentences, which ranged from two years to life, the majority of which were eight years or longer. Antonio de Mello de Castro, the viceroy, responded to the arrival of this shipment of convicts by saying to the crown, 'The little honour we have in India is not retained with this sort of people. They flee to the land of the Moors ... freeing themselves from their punishment.' In spite of the opinion of the viceroy, the crown had little alternative but to turn to convict soldiers in such times of emergency.

By the eighteenth century, the crown was printing lists of convicts exiled overseas and these lists frequently contained details as to the ages, civil status and crime committed. One good example is from 1783, a list of 100 convict men from the Island of Madeira to be sent to Angola.³⁴ The average age of this group is twenty-five, with the youngest, Manuel da Silva, a young twelve-year-old thief. The oldest was a rare 'volunteer', Duarte Lucio, age thirty-eight. The overwhelming majority of these men (seventy-eight) were single, only seventeen were married and an additional five were widowers. Most were thieves (sixty), trouble-makers (ten) or vagrants (nine); the remainder were volunteers or listed as in the infantry or artillery. All or almost all were born on Madeira. This list represents a solution to several inter-related problems: social control on Madeira, punishment for the guilty, a large, one-time influx of 100 men sent to Luanda, and a response to overpopulation and limited land on a small island.

We have no way of knowing what these men did once they arrived in Angola but again, as in the case of Castro Marim, we can assume they had no choice but to enter into the economic world around them. For such Europeans in Angola this could have included many different activities such as being soldiers, or working for slave traders or merchants.

Convicts as settlers

When not enlisted in the military, the other overriding function of convicts was as settlers in a colony. Another printed list from the eighteenth century provides an excellent example of this practice.³⁵ The list is of 100 men, some with their professions indicated, ages, civil status and years of sentence (but not crime). All were sentenced by the high court in 1755 and destined to leave Lisbon on the ship *São Francisco Xavier*

for Portuguese Asia. In similar numbers to the list cited above, seventy-two were single, fourteen were married, two were widowers and the civil status of twelve was not stated. Their average age was twenty-three, with a thirteen-year-old carpenter named Joaquim da Costa the youngest and the fifty-year-old Agostinho João (no profession stated) the oldest. Their professions are given for less than half the group but when stated are modest: carpenters, millers, street sweepers, herb sellers, cobblers, apprentice sailors, servants and the occasional soldier. Their places of birth are all over Portugal. The minimum sentence was three years (twenty-nine cases), with an additional two sentences of four years, probably in relation to theft or another minor crime. Almost half the group (forty-two) was sentenced to five years, possibly for murder or theft. There are an additional two cases each for six years and eight years (again, probably for theft or murder). A sentence of ten years or life was reserved for unpardonable crimes and there were twenty-three cases in this group.

From these two modest sets of data, we can see some clear trends in this convict population. All 200 are male, since female convicts in early modern times were few (perhaps 5 per cent or less). Women were normally sent to internal exile for minor crimes and to Brazil for serious or unpardonable crimes. In these two lists of male convicts, the vast majority were under twenty-six, not married, guilty of theft or murder, and sentenced to five years or more overseas. This will remain the pattern as we move into modern times as well.

Convict labour in modern times

The fourth and final chronological segment of convict labour focuses on Africa, specifically Angola and Mozambique in the period from approximately 1850 to 1932. Readers may question the gap from 1800 to 1850, a gap resulting from a series of disasters in Portugal during the first half of the nineteenth century. From 1800 to 1850, Portugal endured the departure of the royal family for Brazil (1807), the Napoleonic Wars in Iberia (1807–1814) and a civil war (1828–1834). While the legal system did continue to function, it largely sent convicts to selected locations in Brazil until 1822 and then piecemeal and sporadically to sites in Africa until approximately 1850.³⁶

It is hard to appreciate the great differences that took place in extracting labour from convicts as we move into the nineteenth century. Whereas up to this point, the entire system had been loosely structured, minimally supervised, and inexpensive for the state, these three factors would change radically in modern times. In addition, rather than directly or indirectly impressing convict labour into their ranks, the military itself would now direct convict labour. The military are a key component of this shift, made possible because of its increased professionalization in Portugal in the late eighteenth and nineteenth centuries, a linked subject but one that is well beyond the scope of this chapter.

During the nineteenth century, the legal codes in Portugal were also repeatedly updated and expanded. A set of unrelated issues facing Portugal during the second half of the nineteenth century led to a new use and understanding of *degredo*, this very

old and well-established punishment. The slow end of the trans-atlantic slave trade as well as the prolonged ending of slavery itself in Portuguese Africa led to an increased demand for labour in Angola and Mozambique, Portugal's two largest African colonies. The scramble for colonies in Africa (which defined 'The New Imperialism' of the era) demanded a European presence to cement territorial claims. Penal reform in Western societies, spearheaded by the works of Jeremy Bentham (as well as others) called for a rethinking of punishment and the redemption of the convict. All these issues were blended in the series of new legal codes issued in Portugal beginning in 1852, followed by further reforms in the 1860s and 1880s.³⁷

These very diverse issues culminated in a unique Portuguese experiment in Angola and Mozambique from the late nineteenth century until 1932: the creation of two urban penal colonies in the two colonial capital cities of Luanda and Mozambique Island. These new legal codes envisioned that after prolonged reflection and penitence in Portugal, the convict would cleanse himself or herself of crime. At that point, he or she would be sentenced to extended time in one of the colonies, building infrastructure or providing services to cement Portugal's legal claim in the era following the Treaty of Berlin. In order for this series of coordinated innovations to occur, in addition to the series of legal reforms already mentioned, several new institutions would be created by concerned individuals as well as the state. They would then dovetail their efforts to ensure Portuguese control over its two largest and most promising colonies in Africa.

Inter-locking institutions

The most obvious and central institution for this chapter would have to be the penitentiary of Lisbon. Built in 1873, it reflected the panopticon model of incarceration popular in the second half of the nineteenth century in the USA and Western Europe. This design envisioned individual detention and observation by the guards. The theory was that two to four years of solitary detention would cleanse the guilty (i.e. penitence) which would be followed by redemption through associated hard labour in the colonies. The Lisbon authorities, when drafting these new codes, blended something new (penal reform) with something very old (*degredo*). Unfortunately, even when prison authorities adhered to individual detention, as was done in some other countries, it never achieved its desired results and did little more than challenge the inmate's sanity. In Lisbon, the new penitentiary was quickly overcrowded and cells designed for one prisoner housed two or three inmates. The solution was to move prisoners along to Africa faster than the theory envisioned. As a result, as overcrowding became an issue, many convicts would avoid extended prison time by pardons (for minor offences) or would be sent directly to Africa.

Chronologically the second of these institutions was the Sociedade de Geografia de Lisboa (SGL) or the Geographical Society of Lisbon. Founded in 1875, its members were a roll call of nineteenth-century Portuguese Africanists, explorers and politicians. Through the 1930s, the SGL sponsored expeditions, conferences and publications

aimed at ensuring Portuguese claims to Angola and Mozambique. In many ways, this is what today we might call a 'think tank' that directed Portuguese efforts. On two occasions, the SGL held conferences on the colonization of Portuguese Africa and debated the pros and cons of convict labour (and problems confronting free settlement) in the colonies. Founded by a private group of concerned citizens, the SGL would eventually be duplicated by a state organization with identical goals: the Instituto de Investigação Científica Tropical (IICT) or the Institute for Scientific Investigation of the Tropics. By the 1930s this second organization would cast a heavy, dominant shadow over the first.³⁸ The IICT in turn had a sister, parallel institution dedicated to the study of tropical diseases, the Institute of Tropical Medicine (now known as the Instituto de Higiene e Medicina Tropical) and its affiliated Hospital Colonial. Both were established in 1902 to treat the Portuguese returning from Africa with a wide variety of tropical illnesses. In spite of their lowly status, the government did attend to the medical needs of convicts in the tropics. These expenses were considerable and tropical diseases ravaged the convict population of Luanda. The Portuguese made internationally recognized progress in the struggle against sleeping sickness, especially on São Tomé and Príncipe. Research conducted in Lisbon in these medical institutes impacted the treatment of patients in hospitals in both Angola and Mozambique. The relationship among these institutions is represented in Figure 2.3.

After several false starts, the Lisbon authorities decided to use two historical military fortresses, each in the middle of a city, as the hubs for this African experiment in forced labour. Convicts from Europe and the Atlantic colonies (Cape Verde, Guiné, and São Tomé and Príncipe) were sent to the Fort of São Miguel, an early modern fortress overlooking Luanda. Convicts from courts in Portuguese Asia (India, Macau, Timor) as well as some Europeans were sent to a similar Fortress of São Sebastião on Mozambique Island. Convicts from Angola were remanded to Mozambique and vice versa to prevent any prisoner from having connections beyond the prison walls.

The documentation on the prison in Angola forms the basis for the following discussion because similar materials regarding Mozambique are totally absent in Lisbon. Both prisons operated under identical military guidelines so it is safe to assume these statements are valid for both institutions.

Transported in third class on a steamship at state expense, the convict arrived at his or her destination, was met at the docks by a military guard and escorted to the prison. This journey from Lisbon to Luanda took twenty-four days. Once inside the prison, the convict was recorded in the master register, assigned a number and company, and issued the standard indigo blue uniform. The official title of the prison in Luanda was the Depósito de Degredados or the Depot for Convicts, which was reorganized and fully functioning by 1883.³⁹ The institution in Mozambique was the Depósito Geral dos Sentenciados, or the General Depot for Sentenced Persons.

The internal organization of the prisons was in companies, reflecting their military roots, and both organizations operated under identical guidelines periodically updated and published by the military authorities in Lisbon. Convicts were initially assigned to companies based on their crimes, but this relatively quickly shifted to assignment based on race and gender. The first and second companies were European men, while the third was men from the Atlantic colonies (e.g. Cape Verde, Guiné and São Tomé).

Figure 2.3 Interlocking institutions

Women formed the fourth company, and male European vagrants made up the fifth. In spite of regulations to the contrary, the 1915 photographs of each company show each with well over the proscribed limit of forty-five convicts.

This points to two of the basic flaws in this imperial system caused by a lack of coordination between the judicial authorities in Lisbon and colonial officials in Africa. The prison commander had no way of knowing how many convicts to expect at any given moment, who they might be or the lengths of their sentences. As a result, many convicts avoided detection altogether and left the ship in the dock, never entering the prison. In addition, the prison population fluctuated widely from one year to the next and the commander needed a good deal of imagination to cope with overcrowding in the prison. In the period from 1883 to 1914, in some years fewer than 100 convicts arrived while in other years there were more than 200 or 300 new arrivals. The prison population itself in any given year was between 600 and 1,000 inmates.⁴⁰

The vast majority of these convicts were male, between 90 and 95 per cent of the total, mostly single and 75 per cent of them under the age of forty. They were typically

guilty of murder, theft or assault. Women represented a wider range of ages and were guilty of infanticide, theft or murder.⁴¹ We do not know the details of the women's cases unless these are cited in Depósito documents but in the words of João Pinheiro Chagas, 'If not guilty of infanticide, they are guilty of crimes of vengeance, usually against their unfaithful husbands.'⁴²

The differing nature of the crimes and ages of the male and female inmates points to another issue: marriage between convicts, or more accurately, the lack thereof. From time to time, the authorities in Lisbon posited that convicts might marry and establish themselves in the colony. However, male convicts were relatively young common criminals. Female convicts were older and guilty of a one-time crime of revenge or the desperation of infanticide. In spite of shared language and culture, the men and women of this prison had a great deal separating them and marriages between convicts were, not surprisingly, very rare.

While the internal organization of the prison was clearly defined in military regulations, its labour was not. Looking at the incremental changes from the 1880s forward, it would appear that the prison commander had great leeway in assigning tasks and generally using convict labour as he (or his commanders) wished. By the time the commander's annual report was published in 1915, it is possible to see several different labour schemes at work.

Convicts were assigned terms for their behaviour upon arrival, with all starting at level two or 'suspicious'. Those who obeyed the rules and did not incur any infractions in twelve months were promoted to level one or 'improved'. Those who broke rules in the same period were demoted to level three or 'incorrigible'. Level one inmates could be leased to individuals under a bond and were free to work in Luanda or elsewhere in the colony, under minimal police supervision. Level two inmates were kept under closer vigil in Luanda, might work in the Depósito or in Luanda but would have been required to return to the Depósito at night. Level three inmates worked within the Depósito and might only leave it sporadically, although there is some evidence they were also assigned the most demanding tasks in the interior of the colony, under direct military supervision. The Depósito was then not really a prison in the modern sense of the word since many of the inmates did not live there and others exited and re-entered daily. It was more of a hub or central cog in a much larger system.

The requirements of leasing a convict were restrictive and one has to wonder why someone would want to lease a convict unless he or she possessed some special skill, such as being a musician or an accountant. Many convicts worked in Luanda for the city, sweeping the streets and for the colonial government at the docks, printing shop, police headquarters and many other locations. Work within the Depósito itself was the most regulated and regimented and consisted of eight workshops producing goods. The tailors made the uniforms for the colonial government as well as for the inmates themselves while the cobblers made the matching boots for both. Other workshops included bookbinders, carpenters, tin smiths, street sweepers and barbers; women worked in the tailor's shop, the laundry and the ironing room.

While all this labour sounds very productive and it undoubtedly was, this also points to the greatest pitfall in this scheme. The expenses of sending these convicts to Africa, while also providing their food, shelter, clothing and medical care were very

high. These convicts were not performing any tasks that Angolans could not have been paid to accomplish, and the free population at the time was large. While it is true that (at least in the beginning) they may have replaced slave labour, wage labour would have been infinitely cheaper; convict labour in this scenario was uneconomic, draining the state's resources. It simultaneously made the terms 'Angola' and 'Mozambique' synonymous with 'penal colony' and discouraged free colonization. Angola had long been used as a dumping ground for murderers and serious sinners during early modern times. By the nineteenth century, the Portuguese viewed it as 'the land of the exile'. Perhaps the best example of this is the infamous case of João Brandão, a highway robber and murderer, known as 'the terror of the Beiras' (central Portugal). Finally apprehended by the authorities in 1869, he was sentenced to exile in Angola and became the subject of a popular drama and two songs.

There is little doubt that one of the (many) objectives in creating these new prisons in Africa was to provide additional European settlers for the colony and in the guidelines for the Mozambique prison, this objective is made plain. 'Those convicts familiar with agriculture and who prove to be rehabilitated' could be leased a plot of land for cultivation *before the completion of their sentences*. The land would be theirs upon completion of their sentences and ten years of labour on it. If a convict did not have the financial means to begin farming, the state would loan him farming implements, seed and tools as well as provide food and clothing for the convict and his family for one year. This opportunity was also available to those convicts who completed their entire sentences in prison, that is, those who had not been rehabilitated before completion of their sentences. Given the fact that most prisoners came from urban centres (e.g. Lisbon, Porto) and possessed no skills or interest in agriculture, the number of prisoners accepting this offer of free land must have been low. It is the generous terms offered by the state and its overall intention to create a stable European presence in the colony that are noteworthy.⁴³

The Great Depression led to the closure of the prisons in Africa in 1932 and the abandonment of this experiment in penal reform. The limited successes of the prisons in reforming convicts and the labour they provided was too expensive to merit their continued operation. Salazar's *Estado Novo* regime (1932–1974) then turned to agricultural penal colonies within Portugal for common criminals and more specialized and horrific prisons for political prisoners. In terms of the former, at least one institution, the António Macieira colony, continues operating today, albeit no longer linked to agriculture and renamed 'The Sintra Prison'. In terms of the latter for political prisoners, the Tarrafal camp on the Island of Santiago (Cape Verde, opened in 1933) was infamous for its treatment of Europeans and Africans who resisted Salazar's regime. In both Angola and Mozambique, new prisons were constructed to replace the era of convict labour and house those convicted in the colony. The Angolan prison in Roçadas (modern Xangongo, south central Angola) was opened in 1936 and a new prison was constructed in Lourenço Marques (modern Maputo), Mozambique's capital. By the 1950s, the Salazar government had constructed a new prison complex, the Cadeia Central da Machava for both common and some political prisoners in Mozambique.

Numbers of convicts

Determining the numbers of convicts, one of the most fundamental issues in writing this history of penal transportation, has been difficult and in some cases, impossible. In terms of the Middle Ages and the legal havens, there is precious little documentation to inform us as to how many people were residing in any one place in response to its special legal status. I have previously estimated that from 1200 to 1550, some 21,000 convicts may have relocated to legal havens or been sentenced to *degredo* overseas. This estimate is based on fifty people annually relocating to a legal haven from 1200 to 1415 (10,750) plus seventy-five sentenced annually to *degredo* overseas from 1415 to 1550 (10,125).⁴⁴

In early modern times, I have previously estimated that there were 50,000 convicts and sinners (from Inquisitorial courts) exiled within the Portuguese Empire from 1550 to 1755. This number is probably too low so (as with the figure for the Middle Ages above) it should be viewed as a rough estimate. We will never have an exact count because the documentation is absent (see the section on sources, below). What is interesting about this figure is that it is about the same as estimates for British convicts transported in the same period; and the British population in 1750 was around 6.5 million in comparison to Portugal's 2.4 million at the same time, suggesting the latter used it almost three times more extensively. In the intervening years from 1755 to 1822, Portugal sent approximately 150 convicts overseas annually (10,000), largely to three selected regions of Brazil. To this figure, we need to add twenty-five annually sent to internal exile to Castro Marim (1,675) for a total around 12,000 people in these sixty-seven years.

In the years before the Depósitos were fully functioning (i.e. 1822 to 1881), Portugal exiled approximately 135 convicts and 50 vagrants annually, or 11,000 people to all its colonies, with an increasingly tendency to favour Angola. Looking at the Depósitos, it is easier to arrive at a total but it does not include vagrants, political or military deportees. The Depósito in Luanda was a much larger operation than its counterpart in Mozambique. The Luanda facility alone received well more than half (12,500) of the 16,000 to 20,000 convicts and vagrants sent to colonial exile from 1880 to 1932.⁴⁵

Other lingering issues

Vagrants, their numbers and their labour are largely absent from this chapter, the official figures and reports. Vagrants are a special case since, unlike convicts, they only refused to work; they had not broken any laws. As I have suggested elsewhere in this chapter, the total number of vagrants alone could be significant and the role of vagrancy as it intersects with convict labour in the Portuguese Empire has yet to be explored. Such a study focused on both Portugal as well as overseas would be very instructive. Alongside convicts, recidivists were also transported. However, unlike in the French Empire of the same period (Jean-Lucien Sanchez in this volume), they were very deliberately counted separately and not included in any figures with convicts; political and military

deportees are also not included in any of these figures. Additional investigation into any of these three special cases of exiles would add a great deal to our understanding of convict labour in Portuguese Africa. The military and its use of convict labour is another unexplored link in this process and is especially important given the fact that the military supervised this process in nineteenth- and early twentieth-century Portuguese Africa.

Several sources mention convicts in Luanda, both while incarcerated and after completion of their sentences, as being closely associated with bars and taverns in the city. Convicts in the Depósito faced numerous fines for being drunk while former convicts owned many of the bars. It is obvious that there was a convict nexus spread across the city and probably the entire colony of Angola, stretching back to Portugal, which would make a path-breaking social study.

If the confusion regarding total numbers of convicts were not sufficient, the finances of both African prisons are blended with other budgets, making it impossible to sort out exactly how much it cost the state to administer these two institutions. For example, time and time again, the colonial authorities stated that the Luanda prison was ruinously expensive but the figures they revealed blended its budget with the entire military budget for the colony of Angola or the entire colonial budget itself, without stating what the prison alone cost. What is required to settle many basic questions about the profit, loss, operation, etc. of these two prisons are serious, in-depth institutional studies of each. The documentation exists in the case of Luanda and may or may not exist for Mozambique.

Finally, the list of interlocking institutions listed above have much more to reveal to the study of convict labour than the paucity of works which have appeared to date.

Conclusion

In spite of the problems in determining numbers of convicts and in some cases, being able to say definitively what work they accomplished, it is clear that over the course of many centuries *degredo* had a decisive impact on Portuguese society. It was not a mild punishment; it meant leaving behind all that was familiar and starting anew. It cut the links of family and hometown and cast the individual into a new, unfamiliar and unknown setting, sometimes very far away with little realistic hope of ever returning. When the punishment of *degredo* looms over the members of society, as it did in the case of the Portuguese, it has a deadening effect of severe social control. Anyone who steps out of line by breaking the norms of society faces the possibility of being sent far away, never to return. The result can be a highly conservative society (in social terms) with unbending social norms re-enforced by law.

On the receiving end, during the medieval and early modern eras, *degredo* provided labour where it was either non-existent or scarce. Examples of these included Castro Marim, Cacheu in West Africa and São Tomé. It also offered the promise of colonizers for far-flung outposts of empire, especially those regions unable to attract free colonization, such as the fringe regions of Brazil (e.g. Pará, Maranhão, Colônia

do Sacramento) and the Zambesi River Valley of Mozambique. It was an inexpensive, effective method for the state to use under those circumstances and it provided both soldiers as well as colonizers.

What changed, as we move into modern times, was that the state attempted tighter control (with concurrent higher expenses) while sending convicts to distant colonies where their labour was simply not needed. In addition, their rehabilitation was a deception; their acceptance into colonial society after sentence completion, a myth. The result was uneconomic labour performed by convicts who would rather return home than remain in the colony. If they did remain, they would join the marginal elements of the colonial society and (largely) fail to become the redeemed and productive colonial residents the entire system envisioned.

On the other hand, this modern experiment with the African Depósitos was as much the child of New Imperialism as of penal reform. Redemption of the convicted was a secondary objective at best, in spite of the rhetoric to the contrary. These prisons were never designed or intended to be profitable; clearly they were not. What this experiment did accomplish was to ensure Portugal's presence in Angola and Mozambique. At the same time, convict labour created the colonial infrastructure enabling the free colonization that would follow it after the Second World War. When viewed in this light, this experiment with penal colonies in Africa was somewhat successful. Nevertheless, the Depósitos and their convict labour remain to be fully appreciated or included in the histories of Portugal, Angola or Mozambique.

Notes

- 1 See Eduardo Freire de Oliveira, *Elementos para a história do município de Lisboa*, vol. 6 (Lisbon: Universal, 1887), 166 n. for a list of those in this category.
- 2 M. Lourdes Akola Meira do Carmo Neto, 'Demografia', in *Dicionário de História de Portugal*, vol. 2, ed. Joel Serrão (Porto: Livraria Figueirinhas, 1992), 285.
- 3 A related but as of yet unexplored issue is the use of the death penalty by the Inquisition in light of its very infrequent use by the state. While the Portuguese Inquisition did not burn numerous sinners, whatever number of people killed by the Holy Office would have been greater than those killed by the state, thus accounting for the popular fear of that institution.
- 4 Orphans, the Roma and prostitutes are well beyond the scope of this chapter but the state's use of these figures is discussed in Timothy J. Coates, *Convicts and Orphans: Forced and State Sponsored Colonization in the Portuguese Empire, 1550–1775* (Stanford, CA: Stanford University Press, 2001).
- 5 Such certificates are exceedingly rare. Two were discovered in the registration books for *degradados* in the National Archives in Lisbon and both were for some unusually healthy and strong men who survived ten years in the galleys.
- 6 Without reviewing the master registers of convicts held by the two African institutions, this is something of an educated guess based on comments by the commanders and others.
- 7 These instructions ('Regimento dos degradados') are published in Janaína Amado, ed., *Textos de História* (Universidade de Brasília) 6, nos. 1–2 (1999): 265–279.

Unfortunately, such lists of convicts on chain-gangs are totally absent in the archives.

- 8 de Oliveira, *Elementos*, 4:389, n. 2.
- 9 The Tower of Belém (outside Lisbon) was occasionally used to hold special prisoners and across the Tejo River, the Fortress of Trafaria was also occasionally used for prisoners as well.
- 10 Those interested in sources for early modern and modern crime and punishment in Portugal are referred to my commentary in 'The Long View of Convict Labor in the Portuguese Empire, 1415–1932', in *Global Convict Labour*, eds. Alex Lichtenstein and Christian de Vito (Leiden: Brill, 2015), 144–167, as well as the bibliography in Timothy J. Coates, *Convict Labor in the Portuguese Empire, 1740–1932* (Leiden: Brill, 2014), 189–201. There is one bright light on the horizon for future researchers and that is the transference of the judicial materials formerly held in the Convento da Estrela (known as the 'Feitos Findos Collection') to the Torre do Tombo. These materials (which had been inaccessible) are from the Casa da Suplicação (High Court in Lisbon) and have yet to be organized or catalogued. Once they are, they should reveal a great deal more from the pre-earthquake period. They consist of 1,400 books of some 900,000 cases.
- 11 In this passage about the chain-gang, Don Quijote interviews each of the prisoners and eventually sets them free after believing their stories of innocence. Miguel de Cervantes, *Don Quijote de la Mancha*, trans. Samuel Putnam (New York, NY: Viking, 1951), part 1, ch. 22, 239.
- 12 From the manuscript collection in the Biblioteca da Sociedade de Geografia de Lisboa (BSGL), *reservados* 146-A-9.
- 13 de Oliveira, *Elementos*, 8:551, n.1 This law is dated 26 June 1373.
- 14 'Couto', in Serrão, *Dicionário*, 2:224–225 and Henrique de Gama Barros, *História da Administração Pública em Portugal nos Séculos XII a XV*, 2nd edn, vol. 5 (Lisbon: Sá da Costa, 1945), 255–264.
- 15 One of the most frequent punishments handed down by the Portuguese Inquisition was *degredo* within Portugal to one of the frontier towns (for minor sins) or to Brazil (especially for women) in more serious cases. Sentences to the galleys were reserved for more serious infractions, such as Dellon's case which was heresy.
- 16 Selected portions from Dellon's account in Anant Kakba Priolkar, *The Goa Inquisition*, Part II (Bombay: Bombay University Press, 1961), 75–77. Dellon's use of the term 'galley slave' (at least in the English translation) is interesting while also technically inaccurate. Convicts sentenced to the galleys were not slaves. However, sentences to the galleys were notorious for their hardship and normally reserved for the most serious offenders. Traditionally this was work done by slaves and war captives often for life or very long terms. So in the popular imagination at the time, it would have been easy to view convicts as 'new slaves'. Note this usage in Johan Heinsen's chapter as well.
- 17 There are cases of Salazar's *Estado Novo* regime using banishment to Castro Marim as late as the 1940s for women convicted of being lesbians, but by and large this practice ended by the 1880s. See the interview with António Fernando Cascais in the journal *Público* from 7 December 2009, posted at <http://ultimahora.publico.clx.pt/noticia.aspx?id=1392257> (accessed 25 July 2017).
- 18 This process in Castro Marim is the subject of Geraldo Pieroni and Timothy J. Coates, *Da Couto do Pecado à Vila do Sal, Castro Marim, 1550–1850* (Lisbon: Sá da Costa, 2002).

- 19 The published collections of documentation from fifteenth and early sixteenth century relating to North Africa were not assembled to demonstrate the judicial process at work but do show isolated convicts moving back and forth between North Africa and internal exile within Portugal. See Pedro de Azevedo, ed., *Documentos das Chancelarias Reais anteriores a 1531 relativos a Marrocos*, 2 vols (Lisbon: Academia das Sciencias de Lisboa, 1915 and 1934); António Baião, ed., *Documentos do Corpo Chronológico relativos a Marrocos (1488–1514)* (Coimbra: Universidade de Coimbra, 1925); P. M. Laranjo Coelho, ed., *Documentos Inéditos de Marrocos: Chancelaria de D. João II* (Lisbon: Imprensa Nacional de Lisboa, 1943); and João Martins da Silva, ed., *Descobrimentos Portugueses: documentos para a sua história*, 3 vols (Lisbon: Instituto de Alta Cultura, 1944–1971). See also Timothy J. Coates, ‘Crime and Punishment in the Fifteenth-Century Portuguese World: The Transition from Internal to Imperial Exile’, in *The Final Argument: The Imprint of Violence on Society in Medieval and Early Modern Europe*, ed. Donald Kagay (London: Boydell & Brewer, 1998), 119–139.
- 20 *Lançado*, from the verb *lançar* or throw, in this case, someone who has thrown himself to the other side; a runaway. A *tangomão* was a European trader living as an African.
- 21 On the Afro-Portuguese in West Africa during this period, see the fundamental work by Walter Rodney, *A History of the Upper Guinea Coast 1545 to 1800* (New York, NY: Monthly Review Press, 1980; orig. 1970).
- 22 From the letter from Pedro de Caminha written to King Manuel describing the Portuguese arrival in Brazil and their initial interactions with native peoples, dated 1 May 1500. This letter has been widely published in Portuguese and in an English translation in *The Voyage of Pedro Alvares Cabral to Brazil and India*, trans. and ed. William Brooks Greelee (London: Hakluyt Society, 1938), 14, n. 1.
- 23 *Ibid.*, 29.
- 24 Ronaldo Vainfas, ‘Degredo’, in *Dicionário do Brasil Colonial* (Rio de Janeiro: Objectiva, 2000), 181.
- 25 For an extended discussion on such cultural intermediaries, see Alida Metcalf, *Go-Betweens in the Colonization of Brazil* (Austin, TX: The University of Texas Press, 2005).
- 26 Arquivo Histórico Ultramarino (AHU), *códice* 33, folio 43–43v; Historical Archives of Goa (HAG), *livro dos provisos*, ff. 44–44v; de Oliveira, *Elementos*, 4: 468–469, n. 4; AHU *códice* 16, f. 308v.
- 27 AHU, *códice* 33, folio 43–43v.
- 28 José Justino de Andrade e Silva, *Collecção Chronologica da Legislação Portuguesa*, 10 vols (Lisbon: J. J. A. Silva, 1854–1856).
- 29 AHU, São Tomé caixa 2, doc. 35; BSGL *reservados* 3–D–18; AHU *códice* 14, ff. 288v–289; AHU São Tomé caixa 2, docs. 100 and 110; *Documentos Históricos*, vol. 67 (Rio de Janeiro: Arquivo Nacional do Brasil, 1928), 18, 25–26; AHU *códice* 17, ff. 24–24v.
- 30 António de Bulhão Pato, ed., *Documentos Remitidos da Índia*, vol. 8 (Lisbon: Academia Real das Ciências, 1880–1982), 265; José Ignácio Abrantes Garcia, ed., *Arquivo da Relação de Goa*, vol. 1 (Panaji: Imprensa Nacional, 1872–1874), 291; HAG 8789, *Livro Verde da Relação de Goa*, ff. 121 and 136v; HAG 8779 *Índice dos Assuntos da Relação de Goa*, f. 4v.
- 31 Bill M. Donovan, ‘Changing Perceptions of Social Deviance: Gypsies in Early Modern Portugal and Brazil’, *Journal of Social History* 26, no. 1 (1992): 36.

- 32 André Ribeiro Coutinho, *O Capitão de Infantaria Portuguesa*, vol. 2 (Lisbon: Regia Officina Sylvianna e da Academia Real, 1751), 157–184.
- 33 HAG, *monções do reino*, vol. 34, folios 207–209.
- 34 AHU, Madeira *caixa* 3, document 26, dated 17 July 1783.
- 35 This is a very rare printed list located in the Library of the National Palace of Mafra, dated 1755. At the end of the list, it offers even more intriguing information about married couples and others who will be sent in the near future to settle Mozambique. Given the disastrous earthquake that year (1755), these settlers probably never left Lisbon unless it was prior to 1 November.
- 36 In this period, the Portuguese sent convicts to Pará, Maranhão and Santa Catarina in Brazil. After 1822, they used all the colonies in Africa and Asia for convicts but Angola more than the others.
- 37 Coates, *Convict Labor*, 26–29.
- 38 In a move that clearly revealed the rationale behind the creation of the IICT, the government in Lisbon recently abolished it. If there are no colonies, in a time of severe economic crisis, there is no need for the government to be financing an institution focused on tropical Africa. This is in spite of the very high quality of its publications, especially in the areas of biology, geology and other sciences. The irony is that the SGL continues to function from its headquarters in downtown Lisbon.
- 39 It was established in 1866 but re-established by decree in 1876 and reorganized twice, in 1881 and 1883. By this last date, it was accepting prisoners and functioning as envisioned. The prison in Mozambique dates from the same period and followed similar guidelines. The Angolan fortress had previously held convicts sentenced by courts in Angola to service in galleys (public works). See Mário António Fernandes de Oliveira and Carlos Alberto Mendes do Couto, eds., *Angolana, Documentação Sobre Angola*, vol. 2 (Luanda: IICT de Angola, 1971), 484, n.1.
- 40 Coates, *Convict Labor*, Table 8, 66 and the sources cited therein.
- 41 Ibid., Table 9, 70 and the sources cited therein.
- 42 João Pinheiro Chagas, *Diário de um Condenado Político* (Porto: Lelo & Irmão, 1913), 175–176. This is a unique first hand source of prison life in Luanda. A politician and journalist, he left two published accounts of his time in the Angolan prison: this work and *Trabalhos Forçados*, 2 vols (Lisbon: Folha do Povo, 1900).
- 43 *Regulations for the General Prison for Convicts in the Province of Mozambique*, 1905, ch. 6, ‘Colonization Using Prisoners’, published in Coates, *Convict Labor*, 163–164.
- 44 See Coates, *Convict Labor*, 131–132 for an extended discussion of overall numbers.
- 45 This figure is calculated on the basis of 200 convicts annually sent to Luanda for fifty years (10,000) plus seventy-five vagrants and recidivists annually (3,750), plus an additional fifty annually sent to Mozambique and India (2,500), producing a total of 16,250. See Coates, *Convict Labor*, 131–132.