

DIANA PATON: *No Bond But the Law: Punishment, Race, and Gender in Jamaican State Formation, 1780-1870*. Durham: Duke University Press, 2004.

This is a smart and sobering book. It reminds us of the central role of violence and coercion which lay at the heart of state formation, the transition from slavery to “free” labor, and colonial rule. Taking a somber step back from social history’s sometimes triumphalist emphasis on resistance, Diana Paton takes her readers to the cracking of whips, the dank cells of gaol houses, the groaning turning of the often bloody treadmill, and the brutal labor of prison gangs which haunted the lives of slaves, “apprentices”, and freed people alike. She quite deliberately avoids sensationalist descriptions, instead producing an apparently dispassionate account, fueled by a deep undercurrent of rage. While her analysis – and the sources – highlight the power of the punishers, Paton persistently, and sometimes brilliantly, shows how the actions of workers of African descent profoundly shaped the politics and strategies of punishment through nearly a century of history. In addition to a treatise on the workings of colonial power, this is committed bottom-up history, stripped of romance or idealism.

Paton also fuses a wide-ranging knowledge of labor conflict, prison reforms, state formation and gendered ideologies throughout Europe and its colonies with careful analysis of the specificities of Jamaica’s local experiences. She thus manages to create a deeply compelling local history which illuminates and directly engages an extraordinary range of literatures and comparative case studies around the world. Paton’s innovative combination of the literature on emancipation, gender, state formation, and punishment yields original insights, among them the enduring contradictions in Liberal British attempts to liberate masses of coerced workers into various states of unfreedom or to adopt penal-reform practices in a slave society.

As might be expected, this book is also, in many ways, an extended dialogue with the work of Michel Foucault, especially his pathbreaking work *Discipline and Punish*. Certainly, Paton agrees wholeheartedly with Foucault’s critique of the liberal state and its alleged creation of increasing freedoms throughout the course of the nineteenth century. Paton’s unpacking of the birth of the Jamaican prison, however, complicates Foucault’s modernizing narrative, which posits a complex, but ultimately inexorable transition from public, bloody, collectively oriented punishment to an enclosed, all-encompassing, individualized, and ultimately internalized “discipline”. Paton shows that the subtler forms of discipline and the brutality of punishment actually nourished each other from the beginning of the prison system in Jamaica throughout its full flowering in the mid-nineteenth century. She also definitively demonstrates that punishment, even at its most apparently hegemonic, never achieved the total control so chillingly posited by

Foucault in his analysis of the ideal prison – the Panopticon. Popular agency lies at the center of this book, carefully reconstructed from the bare snippets and hints Paton gleaned from magistrate and plantation records.

Paton shows how Jamaican prisons were originally established in order to protect the institution of slavery, making the state an important servicer of slave owners' punishment needs. Prison labor gangs performed hard plantation labor and "rehabilitated" recalcitrant runaways. Flogging, hanging, mutilation, and imprisonment occurred on both private plantations and in public prisons – here, modern workhouses emerged as a reinforcement of slavery, not as a counterpoint to this allegedly pre-modern labor form. Despite the power of punishment, however, prisons could serve as places where particularly troublesome runaways and other labor resisters met and learned from each other.

The establishment of the autonomous position of stipendiary magistrate, often staffed with "lowly" whites and even mixed race men, charged with both enforcing labor discipline on plantations and defending "apprentices" from planter abuses in the transition from slavery to waged labor, marked a turning point in the formation of the Jamaican colonial state – now dedicated to bringing both planters and workers into submission. Workers suffered the brunt of this punishment apparatus much more than masters. Apprentices began to use these new courts as venues for charging each other with crimes, much more than to challenge the abuses of their former owners. Paton finds that apprentices, supposedly being schooled in the ways of both freedom and labor discipline, were actually convicted much more frequently than slaves had been. Thus, while making the state more available for complaints against masters, stipendiary magistrates also dramatically expanded the state's capacity for repression.

Paton also examines the gendered meanings of the various politicized representations of punishment in Jamaica. Abolitionists elevated the flogging of women into a powerful symbol of slavery's exploitation in the process, ignoring the punishment of enslaved men. As public perception of apprenticeship shifted from a celebration of freedom to its denunciation as worse than slavery, outrage exploded over the bloody whipping of women on treadmills in Jamaican jails. Paton shows how this political transformation, which ultimately prompted British intervention into the workings of the Jamaican legislature, grew out of imprisoned apprentices' resistance to the gaol regimes of punishment as well as from conflicts between colonial planters and metropolitan interests. Women, who were over-represented in Jamaican houses of correction, also experienced an oppressive local politics of sexual punishment – subject to sexual abuse from black managers and male prisoners.

With the definitive move to waged labor after 1838, colonial officials attempted to instate a fully disciplinary penal system, fervently hoping to reform

the newly freed individuals into “voluntary” laborers on the plantations. By 1845, Paton points out, Jamaican prisons were more effectively disciplinary than British jails in their attempt to reshape the subjectivity of their inmates; the local legislature outlawed flogging and most other corporal punishments altogether. Faced with stiff resistance to plantation labor, however, magistrates began to practice violent punishments again in the 1850s. The famous Morant Bay rebels of 1865 burned courthouses and jails as well as denounced labor abuses. By this point, political debates about penal reform had dehumanized freedpeople so completely that flogging black men had come to be considered an ideal punishment; the “return of the repressive” set the stage for the bloody British massacre of the rebels.

Paton’s final chapter on popular uses and meanings of justice is a wonderful reconstruction of Jamaican freedpeople’s world views, ranging far beyond their multivalent engagement with the colonial court system to encompass their creation of the Native Baptist church courts which reinforced popular patriarchal norms, as well as women and marginalized people’s use of obeah and mayalism to exact revenge and enforce proper social conduct among each other. Paton shows how working Jamaicans could be “extremely litigious” while remaining profoundly suspicious of colonial authorities. She also examines with great sensitivity the crucial roles played by village “half-inch” lawyers, those local advocates who developed often informal, but “troublesome” knowledge of the British courts. In all, this is the best analysis of popular strategies and interpretation of justice and punishment that I have read.

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**CARLOS AGUIRRE:** *The Criminals of Lima and their Worlds. The Prison Experience, 1850-1935.* Durham & London: Duke University Press, 2005.

An elongated and narrow hall, consisting of two floors of close-set prisoners’ cells. On the ground floor, a group of people, probably inmates, are seated at a long dining table. One guard, leaning against the cell door, is watching the inmates dine. A big cross under the curved ceiling is also watching them from above. The picture was taken from a distance; it is very dark and gloomy. Neither the faces of the inmates nor their bodies can be observed. They almost seem to create one inseparable body, which at the same time is separated from “the outside world”. This photo, on the cover of Aguirre’s book, shows an interior view of the Lima penitentiary.