

## ‘...a Weapon of Immense Value’? Convict labour in British Colonial Africa, c. 1850-1950s

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*‘The aims of prison labour are to: 1. Make [the African] amenable to discipline, 2. To develop habits of industry, and 3. To rehabilitate him’.*<sup>1</sup> – Prisons Commissioner, Southern Rhodesia, 1953.

In 1937 Charles Clifton Roberts, a former magistrate and attorney-general in Nyasaland and Uganda, argued in his reformist critique of the colonial justice system that ‘prison labour is a weapon of immense value in the campaign against crime’.<sup>2</sup> Roberts, like many other colonial officials viewed productive labour as the key to creating a modern African citizen and developing the continent. The question is what the true ‘value’ of prison labour was to colonial African states: was it merely conceptualized in economic terms, or did it also have an acknowledged penal and political value? As Lichtenstein argues for the American South, convict labour operated ‘as a system of labour recruitment, control and exploitation particularly suited to the political economy of a post-emancipation society’, being in effect ‘a system of forced labour in an age of emancipation’.<sup>3</sup> In the nineteenth and early twentieth centuries, Africa was experiencing its own abolition of slavery, but within a context of colonization and coercion by European powers. The quest of European governments to define a progressive mission for themselves in the era of high imperialism led to a focus on free labour as the basic test of the responsible colonizer. But a legal dichotomy of ‘free’ and ‘forced’ labour offered little guidance to the daily practice of colonial administration and left obscured the ambiguous terrain in which colonial governments exercised power over the labour of Africans.<sup>4</sup> With African labour key to the establishment and development of colonial states, it soon became clear that compulsory labour – of one sort or another – would have to coexist with more humanitarian and ‘civilized’ rationales for rule. As slavery was gradually abolished, and forced labour ended in effect after 1921 in British Africa, the role of convict labour in colonial prisons slowly shifted into focus.

Although they formed a key component of the coercive networks of colonial state, imprisonment – and penalty more widely – have only recently emerged as topics of historical interest.<sup>5</sup> Criminal justice and penal practices across British Africa were characterized by a

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<sup>1</sup> Southern Rhodesia, *Report of the Secretary, Department of Justice for the Year 1951* (Salisbury: Government Printer, 1952).

<sup>2</sup> Charles Clifton Roberts, *Tangled Justice: Some Reasons for a Change of Policy in Africa* (London: Macmillan, 1937), p. 117.

<sup>3</sup> Alex Lichtenstein, *Twice the Work of Free Labour: The Political Economy of Convict Labour in the New South* (New York: Verso, 1996), p. 3.

<sup>4</sup> Frederick Cooper, *Decolonization and African Society: The Labour Question in French and British Africa* (Cambridge, 1996), p. 23.

<sup>5</sup> See T. Sherman, ‘The Tensions of Colonial Punishment: Perspectives on Recent Developments in the Study of Coercive Networks in Asia, Africa and the Caribbean’, *History Compass*, 7.3 (2009), 659-77.

focus on didactic deterrence and the maintenance of law and order.<sup>6</sup> It is generally agreed that colonial prisons differed from the Western penitentiary model in their conscious strategy to constrain bodies rather than discipline minds, serving to bolster the authority of colonial administrations and facilitating colonial economies rather than primarily to rehabilitate offenders.<sup>7</sup> In Florence Bernault's field-defining work on imprisonment, she argues that colonizers perceived penal labour not as a marginal supplement to the ranks of African 'free' wage earners, but rather as a crucial tool for the ongoing creation of colonial labour, and that penal administration routinely assigned detainees to work for private entrepreneurs.<sup>8</sup> Bernault's analysis however is based primarily on Francophone Africa, and does not explore in detail the shifting usage of convict labour throughout the colonial period. This paper will analyse to what extent these assertions hold for British colonial Africa. Drawing on official records, prisons and labour reports, convict labour will here be investigated as a microcosm of the tensions and contradictions traversing colonial states and societies from an imperial to a local level: between Britain and other European powers; between the universalist policies of the Colonial Office in London and the particularist practices of colonial governments; between labour, capital, and administrations; between reformist and retributive tendencies within penal systems, and between African and colonial conceptions of labour, crime and punishment. The focus will be on the role of convict labour in Britain's sub-Saharan African territories between 1890s and 1950s, excluding South Africa which gained its independence from Britain in 1910.<sup>9</sup>

It can be argued that a political economy analysis of convict labour does not provide a full picture of its shifting usage: the cultural and discursive norms which shaped policy must also be considered. Certainly, whilst the reports of individual colonial governments concentrate on man hours and production, the gaze of the imperial archive is rather focused on the image conveyed by practices of convict labour in Africa. Whilst there was frequently a disconnect between the rhetoric of imperial reform and the reality of continued coercion and exploitation of labour on the ground, the changing nature and ethos of British colonialism must be taken into consideration in the evolution of prison labour. During the early stages of conquest and pacification in the nineteenth and early twentieth-centuries imperialism was marked by the idea of a 'civilizing mission' that tied integration into a global capitalist economy with the

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<sup>6</sup> David Killingray, 'Punishment to Fit the Crime? Penal Policy and Practice in British Colonial Africa', in Florence Bernault (ed.), *Enfermement, Prison et Châtiments, Enfermement, Prison et Châtiments en Afrique: du 19e siècle à Nos Jours* (Paris: Karthala, 1999), 181-204 and 'The Maintenance of Law and Order in British Colonial Africa', *African Affairs*, 85 (1986), 411-37; Simon Coldham, 'Crime and Punishment in British Colonial Africa', *Recueils de la Société Jean Bodin*, 58.4 (1991), 57-66.

<sup>7</sup> Bernault, 'De l'Afrique ouverte', p. 40; Daniel Branch, 'Imprisonment and Colonialism in Kenya, c.1930-52: Escaping the Colonial Archipelago', *International Journal of African Historical Studies*, 38.2 (2005), 239-266; Stacey Hynd, 'Law, Violence and Penal Reform: State Responses to Crime and Disorder in Colonial Malawi, c.1900-59', *Journal of Southern African Studies*, 37.3 (2011), 431-47.

<sup>8</sup> Bernault, 'De l'Afrique ouverte', pp. 45-6 and 'The Shadow of Rule: Colonial Power and Modern Punishment in Africa', in Frank Dikötter and Mark Brown (eds.), *Cultures of Confinement: A History of the Prison in Africa, Asia and Latin America* (Ithaca: Cornell University Press, 2007), p. 72.

<sup>9</sup> T. M. Corry, *Prison Labour in South Africa* (Cape Town: National Institute for Crime Prevention and the Rehabilitation of Offenders, 1978); Dirk van Zyl Smit & Frieder Dünel, *Prison Labour: Salvation or Slavery? International Perspectives* (Aldershot: Ashgate, 1990); William H. Worger, 'Industrialists and the State in the US South and South Africa, 1870-1930', *Journal of Southern African Studies*, 30.1 (2004), 63-86.

liberation of Africa from its ‘primitive’ status.<sup>10</sup> This period saw the importation of ‘penal labour’ from England as a punitive measure, as well as the mobilization of convict labour more widely to develop colonial economic and political infrastructure. In the inter-war years however, the apparent failure of the ‘civilizing mission’ led to the adoption of a policy of indirect rule under which Africa was to develop under British guidance, and African cultures were to be protected from the degenerative effects of too rapid social change and Western, urbanized cultures.<sup>11</sup> The inter-war years were therefore marked by an unresolved tension between colonial efforts to modernize, capitalize and industrialize Africa, and the fear that such efforts would ‘detribalize’ African communities, destroying social stability and culture, as well as endangering the colonial project. Combined with the global depression, this period saw financially-weakened colonies utilizing convict labour for the dual purposes of reducing government costs, and teaching Africans to be ‘better peasants’. It also witnessed British efforts to mobilize reformist discourses and international legislation on compulsory labour against other European powers to gain moral and political leverage. By the late 1930s, and particularly after 1945, the emergence of anti-colonialism, African nationalism and the welfare state in Britain, pushed the British Empire into a new welfarist, interventionist, developmental model of colonialism in order to justify its continued rule.<sup>12</sup> At this point, new technologies of rule and an increasingly universalist colonial penal model emerged, which stressed the need to reform offenders rather than punish them, and called for the widespread introduction of industrial training to create modern, economically productive and disciplined colonial subjects. However, as with all colonial policies, this proved more difficult to put into practice than London had anticipated. Convict labour in British Africa was characterised by a persistent tension between the need for heavy, unskilled labour and the requirement to train Africans ‘to enable them to follow an honest livelihood on release’.<sup>13</sup> Even those officials who supported training African prisoners differed over whether they should be given industrial training suitable for a modern economy, or simply be taught to become ‘better peasants’ through new forms of agriculture. As a hidden form of forced labour, prison labour endured up to the end of colonial rule, well after the abolition of mandatory labour.<sup>14</sup> It marked a significant nexus in colonial coercive networks between governance, punishment and labour which this paper aims to elucidate through an analysis of the different landscapes of power that shaped prison labour through the colonial period in British Africa.

### **Political and Moral Economies of Labour in British Sub-Saharan Africa**

From the outset, African labour was crucial to the establishment of colonial control but in the early stages of colonization the judicial and penal infrastructure was not available to recruit large numbers of convict labour.<sup>15</sup> Administrations instead relied on other forms of non-

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<sup>10</sup> See M. Vaughan, ‘Africa and the Birth of the Modern World’, *Transactions of the Royal Historical Society* 16 (2006), 143-62.

<sup>11</sup> F. Lugard, *The Dual Mandate in British Tropical Africa* (Edinburgh: W. Blackwood & Sons, 1923).

<sup>12</sup> See J. Darwin, *The Empire Project: The Rise and Fall of the British World System, 1870-1970* (Cambridge: Cambridge University Press, 2009), ch 12.

<sup>13</sup> Uganda Protectorate, *Annual Report of the Uganda Prisons during the Year ending December 1944* (Entebbe: Government Printer, 1945).

<sup>14</sup> Bernault, ‘De l’Afrique ouverte’, pp. 45-7.

<sup>15</sup> See J. Lonsdale, ‘The European Scramble and Conquest in African History’, in R. Oliver and G.N. Sanderson (eds.), *Cambridge History of Africa*, vol. vi, (Cambridge: Cambridge University Press, 1985), pp. 680-766.

market supplies of cheap, or free, labour with which to quickly build infrastructure and create a viable capitalist sector, mobilizing a wide range of alternative coercive structures.<sup>16</sup> During the formative ‘pacification’ era, cheap and plentiful labour was vital for military conquest and infrastructure development, with tens of thousands of porters and builders recruited to build the roads and railways linking coastal regions to the interior. At first, much of this labour came from slaves. Although the abolition of slavery had been frequently mooted as a justification for European intervention in Africa, particularly in Britain where activist groups prided themselves on their role in the abolition of the international slave trade, once Africa had been partitioned between European powers abolition did not prove as straightforward or rapid as humanitarian campaigners hoped.<sup>17</sup> Administrators were concerned that freeing slaves would deprive them of labour and lead to political upheaval, a decline in economic productivity and a rise in lawlessness. Most colonial governments therefore limited their immediate efforts to ending slave raiding and trading, and declaring slavery illegal without firmly enforcing such legislation, in the hope that slavery would decline gradually without causing social and economic disruption.<sup>18</sup> Slavery persisted in many parts of Africa until the 1920s, and was often transmuted into ‘conditions analogous to slavery’ rather than ending in the complete emancipation of African communities.<sup>19</sup>

As slavery was gradually eliminated however, colonial states were forced to look elsewhere for labourers.<sup>20</sup> Most turned to forced or ‘compulsory labour’ levied through the African chiefs who had been appointed as colonial intermediaries.<sup>21</sup> State-organized forced labour was widely used across British Africa, particularly for road-building, infrastructural and agricultural labour, and for military purposes during World War One.<sup>22</sup> Forced or compulsory labour was initially used for private as well as public purposes, supplying European owned farms or plantations and other capitalist sector venues.<sup>23</sup> Conscript labour was used to combat employment shortages in mining and cash crop production in the Gold Coast [Ghana] and

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<sup>16</sup> See Bruce Berman and John Lonsdale, *Unhappy Valley: Conflict in Kenya and Africa* (London: James Currey, 1992)

<sup>17</sup> See Howard Temperley, *British Anti-Slavery, 1833-1870* (Columbia: University of South Carolina Press, 1972); Suzanne Miers, *Britain and the Ending of the Slave Trade* (New York: Africana, 1975); Martin A. Klein (ed.), *Breaking the Chains: Slavery, Bondage and Emancipation in Modern Africa* (Madison: University of Wisconsin Press, 1993); Paul Lovejoy, *Transformations in Slavery: A History of Slavery in Africa* (Cambridge: Cambridge University Press, 1983).

<sup>18</sup> Suzanne Miers and Martin A. Klein, ‘Introduction’ in Suzanne Miers & Martin A. Klein (eds.), *Slavery and Colonial Rule in Africa* (Portland: Frank Cass, 1999), p. 2.

<sup>19</sup> Frederick Cooper, ‘Conditions Analogous to Slavery: Imperialism and Free Labour Ideology in Africa’, in Frederick Cooper, Thomas C. Holt, and Rebecca J. Scott (eds.), *Beyond Slavery: Explorations of Race, Labour and Citizenship in Post-Emancipation Societies* (Chapel Hill: University of North Carolina Press, 2000), pp. 107-49.

<sup>20</sup> Suzanne Miers and Richard Roberts, ‘Introduction- The End of Slavery in Africa’, in Suzanne Miers & Richard Roberts (eds.), *The End of Slavery in Africa* (Madison: University of Wisconsin Press, 1988), pp. 42-3.

<sup>21</sup> See Lugard, *The Dual Mandate*, pp. 410-4.

<sup>22</sup> Kwabena Opare Akurang-Parry, ‘Colonial Forced Labour Policies for Road-building in Southern Ghana and International Forced Labour Pressures, 1900-40’, *African Economic History*, 28 (2000), 1-25; Forced Labour in British East Africa, 1913, Anti-Slavery Society Papers, Brit. Emp. s.22 G132, RHL; David Killingray, ‘Labour Exploitation for Military Campaigns in British Colonial Africa, 1870-1945’, *Journal of Contemporary History*, 24.3 (1989), 483-501.

<sup>23</sup> Antony Clayton and Donald Savage, *Government and Labour in Kenya, 1895-1963* (London: Frank Cass, 1974); Bill Freund, *The African Worker* (Cambridge: Cambridge University Press, 1988).

Nigeria until the 1920s.<sup>24</sup> It was the settler colonies of Kenya and Southern Rhodesia [Zimbabwe] however which seemed to pursue the most widespread and high profile uses of coerced labour on farms, plantations and industry however.<sup>25</sup> Most notably, the Rhodesian Native Labour Board coercively recruited tens of thousands of labourers from 1890-1920s, known locally as *chibaro* (slaves), who toiled in ‘prison-like’ conditions in the territory’s mines.<sup>26</sup> However, forced labour in the British Empire was largely proscribed after an official and humanitarian outcry in 1919 over the Kenyan government’s attempts to strongly ‘encourage’ recruitment to private employers.<sup>27</sup> The Secretary of State for the Colonies, Winston Churchill decreed in 1921 that any forced labour had to be personally authorized by the Secretary of State and used only for approved public projects for the benefit of the community performing it.<sup>28</sup> As Berman and Lonsdale argue, colonial states like Kenya were capitalistic, rather than capitalist: paternalism often dictated that African labour be protected from settler exploitation.<sup>29</sup> The rise of the Labour Party to power domestically, a history of anti-slavery and humanitarian activism, moralizing liberal imperialism and an ethos of ‘benevolent paternalism’ had all informed British imperial willingness to officially abandon forced labour.<sup>30</sup>

British colonial governments however were able to adapt to the loss of forced labour because they had already developed alternative methods of effectively controlling African workers. Coercion was central to the mobilization of labour, as racialized discourses of colonialism depicted the African – particularly the African male – as ‘lazy’ and workshy. As such, land alienation and the creation of Native Reserves, particularly in Kenya and Rhodesia, aimed to cut African access to land and livestock, forcing them into a wage economy. Restrictions on the growing of lucrative cash crops did likewise. For large-scale enterprises, such as railway building in East Africa, Indian coolie indentured labourers were recruited, with some 32,000 being brought into Kenya between 1899 and 1902.<sup>31</sup> Many African chiefs extracted compulsory communal labour from their subjects, often for agricultural or road-maintenance purposes. Categories of ‘forced’, ‘compulsory’ and ‘penal’ labour often overlapped: many of the inmates in Owerri prison in South-Eastern Nigeria were young men who had resisted

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<sup>24</sup> Roger G. Thomas, ‘Forced Labour in British West Africa: The Case of the Northern Territories of the Gold Coast, 1906-27’, *The Journal of African History*, 14.1 (1973), 79-103; Bill Freund, *Capital and Labour in the Nigerian Tin Mines* (Harlow: Longman, 1981), pp. 73-110.

<sup>25</sup> See ‘How to Make the Lazy Nigger Work’, Forced Labour in British East Africa, 1913, Anti-Slavery Society Papers, Brit. Emp. s.22 G132, Rhodes House Library, Oxford [RHL].

<sup>26</sup> Charles van Onselen, *Chibaro: African Mine Labour in Southern Rhodesia* (London: Pluto Press, 1976); Ian Phimister, *An Economic and Social History of Zimbabwe, 1890-1948* (Harlow: Longman, 1988), pp. 52-57.

<sup>27</sup> See Opolot Okia, ‘The Northey Forced Labour Crisis, 1920-1: A Symptomatic Reading’, *International Journal of African Historical Studies*, 41.2 (2008), 263-93.

<sup>28</sup> Clayton and Savage, *Government and Labour*, pp. 112-17.

<sup>29</sup> Bruce Berman and John Lonsdale ‘Coping with the Contradictions: The Development of the Colonial State in Kenya, 1895-1914’, *The Journal of African History*, 20.4 (1979), 487-505.

<sup>30</sup> Miers, *Slavery in the Twentieth Century*, p. 140. On the discourses of liberal imperialism see Stephen Howe, *Anticolonialism in British Politics: The Left and the End of Empire, 1918-64* (Oxford: Clarendon Press, 1997); Andrew S. Thompson, ‘The Language of Imperialism and the Meanings of Empire: Imperial Discourse in British Politics, 1895-1914’, *Journal of British Studies*, 36 (1997), 147-77.

<sup>31</sup> Clayton and Savage, *Government and Labour*, p. 11.

compulsory labour, only to be imprisoned and employed in chains as prison labour.<sup>32</sup> Most significantly, taxation (hut and poll taxes, as well as indirect taxation) was systematically enforced on adult male populations in an attempt to both provide funds for the colonial enterprise and to force Africans to enter into the monetary economy. To control African labour, and prevent Africans from breaking their contracts, a widespread criminalization of African labour was enacted in all territories. Masters and Servants Ordinances, vagrancy laws, pass laws and labour registration, Native Authority Ordinances, Resident Native Labour Ordinances: all served to restrict the freedom of African workers and bind them to their contracts.<sup>33</sup> The 1913 Report of the Native Labour Commission in Kenya certainly shows the scale of labour coercion of in that territory, with press-ganging, beatings and compulsory recruitment, providing ‘back-up’ to legal coercion and taxation.<sup>34</sup> Taken together, the slow abolition of slavery, forced and ‘compulsory labour’, and widespread networks of labour coercion all limited colonial states’ requirements for convict labour during the early stages of colonization.

### ‘Penal Labour’ to ‘Prison Labour’: Convict Labour and the Establishment of Colonial Rule

In the early years of colonialism in Africa, Britain’s presence was confined to the Cape region of South Africa and coastal West Africa, particularly around the Gold Coast, Senegambia and Lagos. In the early 1780s, in the wake of America’s independence cutting off previous routes for transportation, Britain had sent a small number of convicts from English courts to the Gold Coast and Senegambia as soldiers and agricultural labourers. However, the failure of these settlements and the gross immorality and crime in convict-staffed forts led to public scandal and the collapse of this venture, with transportation switched to the newly-discovered Botany Bay.<sup>35</sup> In the nineteenth century, legal and penal systems in British Africa tended to be directly imported from the metropole, and then adapted *in situ* to local conditions through pragmatism and neglect rather than policy. Colonial rule centred on coastal trade forts which also acted as gaols. These early gaols were custodial institutions, primarily holding debtors and thieves. The archival record reveals that by the 1850s, prisoner chain-gangs were working on the roads in the Gold Coast.<sup>36</sup> In the 1860s, Colonial Office circulars requested that colonial prisons be placed on the same basis as English gaols: the separate system, a minimum diet and penal labour.<sup>37</sup> These structures quickly proved unworkable: Africans were held in communal cells, and local authorities preferred to put Africans into productive labour rather than seeing them toil uselessly on the treadmill, crank or shot drill. Road-gangs, sanitation and agricultural work were preferred to

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<sup>32</sup> Bernault, ‘De l’Afrique ouverte’, pp. 45-6; Felix Ekechi, *Tradition and Transformation in Eastern Nigeria. A Socio-political History of Owerri and its Hinterland, 1902-47* (Kent: Kent State University Press, 1989), pp. 149-50.

<sup>33</sup> David M. Anderson, ‘Master and Servant Legislation in Colonial Kenya’, *The Journal of African History*, 41.4 (2000), 459-485.

<sup>34</sup> Protectorate and Colony of Kenya, *Report of the Native Labour Commission 1912-13* (Nairobi: Government Printer, 1914).

<sup>35</sup> Emma Christopher, *A Merciless Place: The Lost Story of Britain’s Convict Disaster in Africa* (Oxford, OUP, 2011).

<sup>36</sup> Government of the Gold Coast, *Blue Book 1850*.

<sup>37</sup> See Government of the Gold Coast, *Prisons Ordinance, 1876*.

penal labour as occupations for African convicts.<sup>38</sup> In the Gold Coast, the Acting Superintendent of Prisons believed Africans should work any hours in any job ‘so long as the work he is doing is objectionable and hard to him’, with convicts working in everything from ‘scavenging’, sanitation and conservancy to maintaining the cricket grounds and the Governor’s yard. The treadmill and crank drill at Ussher Fort meanwhile broke down and were left to rot.<sup>39</sup> Shot drill was regarded as ‘ludicrous’ in the Gold Coast and ineffectually imposed, mutating instead into a punishment for prison offences.<sup>40</sup> As a consequence of such practices, penal labour was abolished as unworkable and inappropriate for local conditions across British Africa in the early 1900s and replaced with productive ‘prison labour’, following the 1895 Gladstone Commission proposals on prisons in Britain.<sup>41</sup> Convict labour was proving a crucial financial fillip to authorities in Accra, with the Prisons Commissioner proudly noted that the gross value of labour in 1902 was £8117 against a total cost for the department of £10,215.<sup>42</sup> As Bernault argues, colonial prisons in this period were not supposed to reclaim and transform individual Africans, but rather to promote the reproduction of the dominant power through racial hierarchy and economic development.<sup>43</sup>

### Reform/Deterrence, Production/Rehabilitation, Industry/Agriculture? The Changing Role and Practice of Prison Labour in Inter-War Africa

By the early twentieth century, British rule had expanded across Africa. As colonial states developed, so did their legal and penal systems. Imprisonment was a major weapon of colonial control: between 1:300 and 1:500 Africans were imprisoned in 1930-50s compared with less than 1:2000 in Britain, and sentences were routinely heavier than those handed down for comparable offences in Britain.<sup>44</sup> Whilst early gaols were mostly converted forts, by the twentieth century custom-built jails were erected, often near administrative headquarters in rural outposts.<sup>45</sup> Most territories operated a system of having one to four Central Prisons which housed long-term offenders, and a series of District Prisons for short to mid-term offenders convicted by subordinate courts. A few territories, like Uganda, Northern Rhodesia and the Gold Coast, also had Native Authorities Prisons run by African chiefs, which housed offenders convicted in Native Courts.<sup>46</sup> Courts normatively handed down sentences of imprisonment ‘with hard labour’, but exactly what this hard labour was to constitute was not clearly defined. Under general prison regulations, all prisoners were to work, unless medically unfit to do so, and remand prisoners could chose to labour if they so

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<sup>38</sup> Robert B. Seidman, ‘The Ghana Prison System: An Historical Perspective’, in A. Milner (ed.), *African Penal Systems* (London: Routledge & K. Paul, 1969), p. 437.

<sup>39</sup> Government of the Gold Coast, *Report of the Prisons Department for the Year 1902* (Accra: Government Printer, 1903).

<sup>40</sup> Despatch No 119, March 28 1899, Ag Govr to Sec/State ADM 1/498 National Archives of Ghana, Accra [NAG].

<sup>41</sup> Coldham, ‘Crime and Punishment in British Colonial Africa’, 57-66.

<sup>42</sup> Gold Coast, *Report of Prisons Department 1902*.

<sup>43</sup> Bernault, ‘De l’Afrique ouverte’, p. 40.

<sup>44</sup> Bernault, ‘The Shadow of Rule’, p. 62.

<sup>45</sup> Bernault, ‘De l’Afrique ouverte’, pp. 15-64.

<sup>46</sup> Other forms of quasi-official short-term detention which operated to enforce labour and fiscal discipline, particularly in rural areas, included court messenger’s lock-ups and police cells. These did not operate a form system of labour for detainees.

wished. Women and juveniles imprisoned were also to be employed on ‘suitable labour’, whilst European and Asian prisoners were to be employed separately from Africans.<sup>47</sup>

By the twentieth century, the old idea of work as punishment had been replaced with the idea of prison labour as a financial asset to the colonial state.<sup>48</sup> Early usages of convict labour focused on infrastructural projects: just as prisons were used to inscribe colonial domination on subject bodies, so prison labour was used to inscribe that power on the landscape, physically establishing effective occupation. Convict labour had the advantage of supplying a pre-selected, segregated labour force that could be moved where needed with disrupting local economic and social systems. In Kenya, railway building consumed much convict labour, alongside indentured and ‘compulsory labour’, particularly in western regions when the branch line was extended to Lake Victoria and Uganda in 1925.<sup>49</sup> Archbishop Owen of Kavirondo wrote to British Prime Minister Ramsay MacDonald complaining about the use of prison labour in Kisumu, where prisoners were used on rail lines and to unload government ships on Lake Victoria, arguing that ‘many of the men were too weak to unload the cotton bales’ and were driven to exhaustion and ill health.<sup>50</sup> In Tanganyika [Tanzania] prisoners were extensively employed in quarrying, road-making, anti-malarial work, building work and town sanitation. Between 1929 and 1938 they provided an average of 530,183 manpower hours of unpaid labour per annum for the government on these essential public works.<sup>51</sup> Prison labour was also extensively used in the construction and clearing of aerodromes, schools, hospital grounds and government buildings generally. In Nigeria, a large labour force from Convict Prisons continued to be used as station labour in larger towns until the end of the colonial period.<sup>52</sup> Native Administrations, Railways & Harbours, Police, Public Health, and Education tended to be the largest governmental users of prison labour.<sup>53</sup> The maintenance and expansion of prison compounds themselves was another key site of convict labour. As prisons expanded across the colonial landscape to cope with the ever-rising tide of Africans convicted in colonial courts, labour was focused on brick-making, brick-laying, carpentry, and masonry, particularly in territories like Uganda and Nigeria.<sup>54</sup> It would appear that African prisoners worked primarily in areas where the shortage of labour was most acute – for large-scale government projects or for unpopular, unskilled labour.<sup>55</sup> Throughout the colonial period prisoners constituted a cheap and constant reserve pool of labour for its use in the underpaid and unpopular tasks of sanitation work, portage, packing goods, general maintenance and unskilled domestic work, particularly in upcountry and Native Authority Prisons.<sup>56</sup>

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<sup>47</sup> See for example, Tanganyika Territory, *Prisons Ordinance of 1933*.

<sup>48</sup> Killingray, ‘Punishment to Fit the Crime?’, p. 191.

<sup>49</sup> Clayton and Savage, *Government and Labour in Kenya*, p. 40; Colonial Office to Archdeacon of Kavirondo, January 1931, Prison Labour, CO 533/406/7.

<sup>50</sup> Archdeacon W. E. Owen to Ramsay MacDonald, 3 January 1931, CO 533/406/7.

<sup>51</sup> Tanganyika Territory, *Annual Report on the Administration of Prisons for the Year ending December 1930 to 1938* (Dar es Salaam: Government Printer, 1931 to 1939).

<sup>52</sup> See Nigeria, *Annual Report on the Treatment of Offenders, 1953-4* (Lagos: Government Printer, 1954).

<sup>53</sup> Southern Rhodesia, *Justice Report 1943*.

<sup>54</sup> See Nigeria, Southern Rhodesia, Tanganyika and Uganda annual prison reports.

<sup>55</sup> Bernault, ‘De l’Afrique ouverte’, pp. 45-6.

<sup>56</sup> See Sessional Paper XI Legislative Council 1920-1 ADM 14/16, NAG; Bernault, ‘De l’Afrique’, pp. 15-64.

Once basic infrastructures had been established, labour was increasingly switches into prison industries to produce goods and materials for local markets. In the Gold Coast, annual reports noted with pride the growth in prison industries from £413 in 1904 to £2693 in 1908.<sup>57</sup> By 1906 it was reported that orders from the general public for tailoring, carpentry and shoe-making by the prisoners were coming in faster than could be executed.<sup>58</sup> In 1910, Governor Rodger ordered prison labour to be reserved for government departments, but this policy was abandoned in 1918 and orders for prison goods from the general public – both African and European – came flooding in.<sup>59</sup> Commodities production aimed to boost flows of material goods and encourage African ‘wants’ to draw communities further into the capitalist global economy.

The 1895 Gladstone Committee in England had declared deterrence and reform as the joint objective of imprisonment, eradicating the separate system and penal labour. Although its reforms had not been enforced in the colonies, they were gradually, if fitfully, adopted across British Africa during the 1910-30s. Prison administration during this era was marked by a lack of any clear philosophy of treatment, and as such many prisons ‘degenerate[d] into mere caretaking institutions’ which were badly run and underfunded.<sup>60</sup> Certainly the 1920 report which initiated the reform and modernization of the prison system in the Gold Coast reported ‘strange tales...told of the Gold Coast Prisons’; of prison gates opened by the prisoner clerk who held the keys; of a prison warder caught stealing cassava while working outside the walls by his own prisoners who tied him up and brought him back to the prison in bonds; of a prisoner who, upon being discharged, asked, ‘What for you go sack me’?<sup>61</sup> Colonial perceptions of race and African ‘criminality’ shaped the uses of convict labour. One salient factor was that majority of imprisoned offenders were not regarded as ‘criminal’ *per se*. According to prison statistics, between sixty-five and ninety per cent of jailed Africans were short-term offenders: persons imprisoned for defaulting on tax payments primarily, but also those who could not pay fines for minor offences, or petty thieves. Within judicial and penal administrations there was a certain sympathy for this type of inmate, and it was generally recognized that imprisonment did them more harm than good as it exposed them to ‘moral contagion’. Sympathetic officials were less likely to expose these prisoners to gross exploitation and heavy labour, and more willing to see them assigned to agricultural tasks considered natural for Africans. Only ‘habitual offenders’ or recidivists were regarded as ‘criminal types’, but these were often more dangerous and required more supervision, and consequently were more difficult to put to work.<sup>62</sup>

New philosophies of reform gradually infiltrated penal discourses in Africa in the 1920s. In the Gold Coast, Governor Guggisberg stated in a 1927 report that ‘[t]he chief object of the Gold Coast Prisons today is reform rather than punishment...[primarily] through trade

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<sup>57</sup> Gold Coast, *Prisons Report 1908*.

<sup>58</sup> Gold Coast, *Prisons Report, 1906*.

<sup>59</sup> Gold Coast, *Prisons Report, 1910, 1918-19*.

<sup>60</sup> Seidman, ‘The Ghana Prison System’, pp. 443.

<sup>61</sup> Sessional Paper VIII Leg Co 1919-20 ADM 14/15, NAG.

<sup>62</sup> Paterson, *Report on the Prisons*, p. 27.

training’.<sup>63</sup> The following years’ Blue Book report to London confirmed that prisons were ‘gradually emerging from a system of negative prevention to one of training and reformation’.<sup>64</sup> The major focus on imprisonment was thus ostensibly shifted from corporeal punishment to individual reform through the teaching of a trade, creating economically productive citizen-subjects. Although Seidman argues that this shift occurred ‘not from any clearly articulated concept of penology but to explain what was being done in fact’, it can equally be read as part of a larger re-orientation of colonial penology to render the use of convict labour palatable to metropolitan and international scrutiny.<sup>65</sup>

Colonial labour policies in the inter-war years were shaped within the wider field of imperial politics. The inter-war period saw the emergence of a new ‘humanitarian imperialism’, particularly with the establishment of the League of Nations in 1919.<sup>66</sup> The League of Nations and its International Labour Organization (ILO) pushed labour policies to the forefront of imperial discourses across European empires.<sup>67</sup> With the 1926 Slavery Convention proscribing all forms of slavery, humanitarian action expanded to tackle a range of coercive labour practices deemed ‘analogous to slavery’, and forced labour – including convict labour – became the new moral battleground.<sup>68</sup> In 1929 the ILO circulated proposals for an international Forced Labour Convention to secure new standards of treatment for colonial labour, but of the European imperial powers only Britain actually supported the measure as she had in effect already ended the practice in 1921.<sup>69</sup> Through international sanctions against forced labour, the British government saw the opportunity to seize the moral high-ground against France, Portugal and Belgium, all of whom used widespread forced labour, whilst simultaneously pressurizing them to relinquish the economic advantage the practice gave their colonies.<sup>70</sup>

The positioning of convict labour within ‘forced labour’ however was a subject of debate. British delegates regarded convict labour as a legitimate practice, and held strongly that the ILO Convention should not be allowed to abolish compulsory labour during prison sentences, or ‘compulsory labour imposed as a punishment in lieu of a fine or imprisonment, but that such labour should in all cases be employed on public works and that the practice of hiring

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<sup>63</sup> Frederick G. Guggisberg, *The Gold Coast: A Review of the Events of 1920-1926 and the Prospects of 1927-28* (Accra: Government Printer, 1927), p. 310.

<sup>64</sup> Gold Coast, *Blue Book, 1928-9*.

<sup>65</sup> Governor Rodger to Secretary of State, 7 March 1904, ADM 1/506, Ghanaian National Archives, Accra.

<sup>66</sup> Michael D. Callahan, *Mandates and Empire: The League of Nations and Africa, 1914-31* (Brighton: Sussex Academic Press, 1999); George W. Egerton, *Great Britain and the Creation of the League of Nations* (Chapel Hill: University of North Carolina Press, 1978).

<sup>67</sup> Suzanne Miers, ‘Slavery and the Slave Trade as International Issues, 1890-1939’ in Miers and Klein (eds.), *Slavery and Colonial Rule*, pp. 16-37; Kevin Grant, *A Civilized Savagery – Britain and the New Slavery in Africa 1884-1926* (Routledge, 2005), pp. 135-66; Amalia Ribí, *Humanitarian Imperialism: The Politics of Anti-Slavery Activism in the Inter-war Years* (University of Oxford DPhil thesis, 2008).

<sup>68</sup> League of Nations, Slavery Convention of 1926, <http://www2.ohchr.org/english/law/slavery.htm>.

<sup>69</sup> Forced Labour Convention – Employment of Convict Labour, CO 323/1170/4; International Labour Office: Native Labour Committee of Experts – Investigation of Forced Labour, CO 323/988/2, National Archives, London [TNA].

<sup>70</sup> France officially allowed the use of forced labour until 1937, the Belgian Congo used ‘educational’ enforced crop growing until the 1950 and Portugal only abandoned forced labour in 1960s after Ghana complained to the ILO. See Miers and Roberts, ‘Introduction- The End of Slavery in Africa’, pp. 42-3.

out to private individuals should be forbidden’: measures which were incorporated into the finished Convention.<sup>71</sup> Although the Secretary of State for the Colonies instructed British delegates to officially support proposals by South African and Indian delegates to allow the hiring of convict labour to private individuals, the Colonial Office reacted with apparent satisfaction to their defeat.<sup>72</sup> Britain became the only imperial power to immediately ratify the Convention in 1930, using it to condemn forced labour in weaker territories such as Portuguese Africa and Liberia for political gain.<sup>73</sup> Behind the scenes however, Colonial Office administrators remained aware that convict labour was a source of exploitation within their own African territories: ‘penal labour may be so abused as practically to become forced labour and we, unfortunately, have reason to believe that it is in fact so abused in certain African territories’.<sup>74</sup> Both Northern and Southern Rhodesia were instructed that henceforth ‘prisoners can no longer be hired out to or placed at the disposal of private individuals, companies or associations’, ending their use on mines and settler farms.<sup>75</sup> Convict labour had become a minor, but noted, concern in international labour disputes, and as such the Colonial Office increasingly began to push a reformist agenda to imperial prisons.

One clear result of this was that industrial training began to spread across East and West Africa in the 1930s, although it was fitfully implemented and remained concentrated at larger Central Prisons for long-sentence prisoners.<sup>76</sup> Carpentry, tailoring, masonry, brick-making and mat-making were the most common trades taught, but everything from shoe-making to welding to book-binding could be found in prison industries depending on the local economy. Where industrial training was limited, officials attempted to create an image of successful reform through narratives of individual salvation: ‘One prisoner with a poor record found a flair for upholstery...He now has four prisoners working under him and since placed upon this work, he is a changed man’.<sup>77</sup> Annual prison reports kept careful and detailed records of the number of items produced and the costs-saved to government departments from both prison labour and industries: this could be a significant percentage of the outlay, as the Gold Coast showed with a gross revenue of 1929-30 of £32,658 against £50,013 total expenditure.<sup>78</sup>

The emphasis on trade training however was regarded as problematic by many prison commissioners in Africa as the majority of their inmates were short-term prisoners, with between 65 and 90 per cent of offenders being sentenced to six months imprisonment or less,

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<sup>71</sup> Forced Labour Convention – Employment of Convict Labour, CO 323/1170/4, National Records and Archives, London [TNA]. International Labour Organization, Convention Concerning Forced or Compulsory Labour, No 29 of 1930. <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C029> (accessed 16 March 2012).

<sup>72</sup> Memorandum by J. Paskin, September 1930, CO 323/1170/4, TNA.

<sup>73</sup> See Buell, *Native Problem in Africa*, pp. 833-6; Grant, *Civilized Savagery*, pp. 135-66.

<sup>74</sup> G. C. Eastwood to L. W. Fox, 7 March 1930, Forced Labour Convention – Employment of Convict Labour, CO 323/1170/4, TNA.

<sup>75</sup> J. H. Thomas to Sir C. H. Rodwell, 1 September 1932, CO 323/1170/4, TNA; Government of Northern Rhodesia, *Northern Rhodesian Central Prison Service Annual Report for the Year 1932* (Lusaka: Government Printer, 1933).

<sup>76</sup> See Nigeria, *Annual Report on the Prisons Department 1929 – Northern Nigeria* (Lagos: Government Printer, 1930).

<sup>77</sup> Colony of Sierra Leone, *Report of the Prisons Department for the Year ending December 1946* (Freetown: Government Printer, 1947).

<sup>78</sup> Gold Coast, *Report on the Prisons Department, 1929-30*.

which was not sufficient time to teach a trade.<sup>79</sup> The danger of supplying more skilled labourers than local markets required was also raised, particularly during the Depression.<sup>80</sup> Other officials still maintained that it was ‘of greater advantage to the majority of African prisoners to be taught agricultural methods and to become accustomed to performing a regular hard day’s work rather than to undergo industrial training’ as most would return to farming, herding or crop-production once released.<sup>81</sup> Some prisons sought a way through this debate by providing industrial training which focused on ‘traditional’ trades. In Northern Rhodesia, mat-making was taken to be ‘the most popular and useful trade for prisoners’, as it drew on traditional materials and techniques.<sup>82</sup> Weaving and carving were similarly supported in Gold Coast prisons for the ‘neat workmen’ of Asante and the Colony, as opposed to the unskilled labour thought more suitable for Northern Territories prisoners.<sup>83</sup>

The pressure from London to reform prison systems across British Africa increased throughout the inter-war period, with prison administrators caught between the conflicting needs to reform the system on more modern and ‘civilised’ lines in accordance with Colonial Office instructions, and to make imprisonment ‘sufficiently arduous and uncomfortable to constitute a real deterrent’ to meet domestic demands for social and crime control.<sup>84</sup> Thus, whilst the 1932 Report on the Question of Imprisonment in Tanganyika recommended the establishment of extra-mural labour, detention camps, extra remission for good conduct, and more practical training for convicts, it also suggested that the ration scale should be reviewed as it was too liberal and that prisoners should be made to work harder.<sup>85</sup> Colonial prisons were caught in a contradiction where they could be simultaneously too coercive and too lenient. Whilst labour exploitation, poor diets, unsanitary conditions and corrupt or violent warder staff led to concerns about the treatment of offenders, particularly in District or Native Authority Prisons, some officials complained that the living conditions of prisoners were actually better than those of their families outside, as they were guaranteed food, shelter, and clothing.<sup>86</sup> The lack of stigma associated by African communities with imprisonment was also taken to undermine the effectiveness of penal deterrence.<sup>87</sup> Unfortunately, little record survives in the archive as to what Africans themselves thought about convict labour, and prison more widely. Malawians were said to believe that when relatives were taken to the Central Prison ‘they will give him the work of a month to finish it in an hour’.<sup>88</sup> However, tales abound in the colonial record of prisons referred to as ‘King Georgi Hoteli’, and of

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<sup>79</sup> See Nigeria, *Annual Report on the Prisons Department 1946*.

<sup>80</sup> Record of Interview with Colonel Cavanaugh, Superintendent of Prisons, Gold Coast, March 1938 CPAC 11, Colonial Penal Advisory Committee Papers Distributed 1937-40, CO 912/3, TNA.

<sup>81</sup> Tanganyika, *Prisons Report 1936*.

<sup>82</sup> Northern Rhodesia, *Central Prison Service Annual Report*.

<sup>83</sup> Gold Coast, *Report on the Prisons, 1936-7*.

<sup>84</sup> Report on the Question of Imprisonment in Tanganyika Territory, 1932, s.19, CO 691/126/11, TNA.

<sup>85</sup> *Ibid.*

<sup>86</sup> See Report on Morogoro Prison, 20 May 1925, 7667, Tanzanian National Archives; Problems of the Relation between Prison Conditions and Normal Standards of Living 1953-4, CO 859/379, TNA; Hailey, *African Survey Revised 1956* (London: Oxford University Press, 1957), p. 625.

<sup>87</sup> Great Britain, *Report of the Commission of Inquiry into the Administration of Justice in Kenya, Uganda and Tanganyika Territory in Criminal Matters* (London: HMSO, 1934), p. 58.

<sup>88</sup> George Simeon Mwase, *Strike a Blow and Die: The Story of the Chilembwe Uprising* (London, Heinemann, 1975[1967]), p. 116.

former inmates who had received industrial training proudly displaying signs outside their shops that they had been ‘trained in H. M. Prison’ to drum up trade.<sup>89</sup> Disgruntled officials also complained about prisoners on short to mid-length sentences who deliberately reoffended in order to complete their training.<sup>90</sup>

As in many other fields, there was a distinct discrepancy between official rhetoric and the reality of colonial reform in prison. Colonial prisons remained focused on ‘caretaking’, deterrence and production rather than rehabilitation. Charles Clifton Roberts wrote in his mid-1930s critique of the colonial justice system that ‘the feeling is still prevalent, especially among those in control of the smaller prisons, that punishment must be deterrent, that the offender must not be allowed to have too good a time, that he must be made to realize that he has got to carry out some task, even if that task should entail a form of labour which is of little practical value’.<sup>91</sup> The 1934 Tanganyika Prisons similarly report noted that ‘there is little doubt that in time the employment of convicts on hard labour – for example in the stone quarries at Tanga and Dar es Salaam – will act as a deterrent to the criminal population of these towns’.<sup>92</sup> Reform was also limited by financial constraints, with Prisons Departments generally being treated as the ‘Cinderella service’ of colonial administrations.<sup>93</sup> Imperial parsimony dictated that colonies were to be self-financing wherever possible, and for Prisons Departments this entailed keeping the costs of imprisonment low. This certainly explains why Prison Departments prioritized labour for their own maintenance and expansion requirements, and channelled African labour into the production of foodstuffs for rations where possible.<sup>94</sup>

Agriculture had always been one of the main occupations for African convict labour, with prisons gardens providing staple grains and vegetables for prison rations and surpluses sold on for profit. But with the growth of fears about the ‘detrribalization’ of African populations as a result of the impact of urbanization and colonial cultures in 1920-30s, the role of prison agriculture took on a new political dimension. Many senior prisons officials held that rather than being given industrial training, African convicts should rather be taught agricultural methods to make them ‘better peasants’, reclaiming them from crime through encouraging them to return to their ‘natural’, rural lifestyles.<sup>95</sup> It is unclear however, how many officials truly believed this, and how many were simply seeking a justification for the lack of reform within their prisons, and looking to use agricultural labour to keep costs down as the Depression told hold of colonial economies and budgets.

One problem facing Africa prisons was the ever-increasing numbers of inmates they received, leading to massive overcrowding and disciplinary problems. Particularly during the

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<sup>89</sup> Killingray, ‘Punishment to Fit the Crime?’, p. 186; J. W. Hamilton, ‘Crime and Punishment’, *West African Affairs* 19 (Accra: Staples Publications, 1953), p. 10; Gold Coast, *Report of Prisons Department 1944-5*.

<sup>90</sup> Gold Coast, *Annual Report 1954-5*.

<sup>91</sup> Roberts, *Tangled Justice*, p. 114.

<sup>92</sup> Tanganyika, *Annual Report on the Administration of Prisons 1934*.

<sup>93</sup> Hamilton, ‘Crime and Punishment’, p. 13; Treatment of Offenders Sub-Committee Draft Minutes 21 December 1937, Colonial Penal Advisory Committee Papers Distributed 1937-40, CO 912/3, TNA.

<sup>94</sup> Uganda Protectorate, *Annual Report of the Uganda Prisons 1935* (Entebbe: Government Printer, 1936).

<sup>95</sup> Tanganyika, *Annual Report on the Administration of Prisons, 1936*.

Depression years, prison intakes jumped sharply as people defaulted on taxes or fines, or stole to survive. In Northern Rhodesia, although the prison population jumped substantially from 1934 to 1936 from 3044 to 6202 committals, the amount of prison labour employed on government works dropped from 119,792 units to 102,455 units, and administrators sought to avoid undue competition between ‘free’ and ‘unfree’ labour.<sup>96</sup> To combat the sharp increase in prison inmates, and tap the potential reservoir of labour they constituted without interfering with ‘free labour’ markets, colonial states increasingly turned to building low-security camps for first offenders in rural locations. The prison camp system had been appropriated from America, and first been introduced in Burma and Palestine for infrastructure projects.<sup>97</sup> The model however was adapted by various colonial governments to best suit local conditions. Tanganyika’s system of extra-mural camps was regarded as most effective and a prime example of ‘modern penal administration’.<sup>98</sup> Offenders sentenced to less than three months imprisonment or liable to be committed for non-payment of a fine not greater than £5 could choose extra-mural labour at prison camps. They received no remuneration, but would be provided with cooked rations, and were to work six hours per day under the supervision of prison staff providing labour for government departments or in agricultural labour.<sup>99</sup> An average of 670 convicts enrolled in the scheme annually between 1936 and 1943, and numbers increased steadily in the post-war era with approximately 20 per cent of convicts being released to extra-mural labour.<sup>100</sup> Although officials stressed that the success of this system relied on a low density local population, availability of suitable work and the type of local economy, it was quickly proposed by London for adoption across British colonies.<sup>101</sup> Nyasaland [Malawi] followed Tanganyika in establishing extra-mural labour as ‘one of the most valuable steps yet introduced towards the reduction of crime and of criminal tendencies, and of tardy tax payments’. Offenders there usually resided in their own villages or in empty government lines, and worked at their district headquarters to complete their sentence. Officials believed the scheme was preferred by many Africans who saw it ‘in the same light as ordinary paid labour’.<sup>102</sup> Other territories however resisted such universalistic calls and insisted pre-existing local methods were more suitable for the treatment of short-term offenders. Uganda proclaimed that its system of Native Administration Prisons operated in a virtually identical manner to employ the labour of short-term prisoners on quarrying, building and conveying food locally, with 11,728 prisoners labouring in the last three months of 1939 alone. Governor Mitchell however complained to London that it was still illogical that ‘the discharge of tax obligations through labour was ruled contrary to the ILO Convention on Forced Labour...whereas the sentencing of prisoners to terms of extra-mural labour is now

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<sup>96</sup> Government of Northern Rhodesia, *Central Prison Service Annual Reports 1934, 1936*.

<sup>97</sup> Prison Labour Camps in Colonies, 1935, CO 323/1344/3, TNA.

<sup>98</sup> Circular 213/53, Treatment of Offenders Sub-Committee Circulars 1947-59, CO 912/2, TNA.

<sup>99</sup> Tanganyika Territory, *Prisons Ordinance of 1933*, s. 87.

<sup>100</sup> Tanganyika Territory, *Annual Prisons Reports 1936-62*.

<sup>101</sup> Memorandum A. Paterson to Prisons Commission, Whitehall, 31 October 1934, Prison Labour Camps in Colonies, 1935, CO 323/1344/3, TNA; Circular 213/53, Treatment of Offenders Sub-Committee Circulars 1947-59, CO 912/2, TNA.

<sup>102</sup> Governor Kennedy to Lord Moyne, 10 February 1948, Colonial Penal Administration Committee 192, CO 912/5, TNA.

recommended'.<sup>103</sup> Kenya already operated a similar system of what it called 'detention camps', which had emerged to provide labour for public projects after forced labour was effectively abolished in 1921.<sup>104</sup> Established by 1925, these detention camps were ostensibly 'to provide a means of detention of persons sentenced for offences not involving moral turpitude, which would keep them separate from ordinary convicts, and so avoid harmful associations'.<sup>105</sup> The Chief Inspector of Prisons admitted in 1941 however that these camps 'tended to be regarded as sources of free labour for official purposes in lieu of paid prison hands', with an average of 13, 676 persons committed annually, all of whom were to provide unpaid labour to the state.<sup>106</sup>

### **Welfare, Development and Work: Metropolitan Universalism and Colonial Governance in Convict Labour**

Concerns about labour conditions across the British Empire grew in response to the West Indian strikes in 1937, propelling a move towards a new 'welfaristic', interventionist, developmental model of colonialism.<sup>107</sup> Metropolitan influence on penal policy increased after 1939, particularly with the establishment of the Colonial Office's Advisory Committee on the Treatment of Offenders (TOC), which espoused a universal reformist model for colonial penalty.<sup>108</sup> The TOC asserted that colonial governments were still facing 'the problem of how to keep short term prisoners out of prison by their employment on compulsory labour with the danger of abuse, and without conflict with HMG's policy towards the ILO Convention'.<sup>109</sup> To combat this, the former Home Office Prisons Commissioner Alexander Paterson was sent to survey the prisons of East and West Africa during the war. His report on East Africa concluded that colonial prisons were still commonly regarded 'as convenient sources for the supply of free labour'.<sup>110</sup> According to Paterson, 'hence arose vast workshops where hundreds of prisoners performed mechanical and repetitive operations in the manufacture of strange articles for which there was a market. Thus a thousand Natives might engage in the making of boots for army and police, though on return to their villages they would never see a boot again in their lives. Under such a system, everything becomes subordinate to the question of profit'.<sup>111</sup> Paterson also railed against 'a more insidious fallacy that lurks behind the employment of prisoners is the conception of

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<sup>103</sup> Memorandum from Governor of Uganda, Colonial Penal Advisory Papers Distributed 1941, CO 912/4, TNA.

<sup>104</sup> Colony and Protectorate of Kenya, *Detention Camps Ordinance, 1925*, 3 December 1925; Daniel Branch, 'Imprisonment and Colonialism in Kenya'; James S. Read, 'Kenya, Uganda, Tanzania', in A. Milner (ed.), *African Penal Systems* (London: Routledge & K. Paul, 1969), 91-164.

<sup>105</sup> Colonial Office to Archdeacon of Kavirondo, January 1931, Prison Labour, CO 533/406/7.

<sup>106</sup> Memorandum from Governor of Kenya, 23 March 1941, Colonial Penal Advisory Committee Papers Distributed 1941, CO 912/4, TNA.

<sup>107</sup> Miers and Roberts, 'Introduction- The End of Slavery in Africa', p. 16.

<sup>108</sup> See Colonial Office, *Report of the Committee on the Treatment of Offenders* (London: HMSO, 1954).

<sup>109</sup> CPAC 16, Extra-mural labour and the Geneva Convention on Forced Labour, 22 September 1939, Treatment of Offenders Sub-Committee Circulars 1947-59, CO 912/2, TNA.

<sup>110</sup> Alexander Paterson, *Report on a Visit to the Prisons of Kenya, Uganda, Tanganyika, Zanzibar, Aden and Somaliland* (Morija: Government Printer, 1944), p. 6.

<sup>111</sup> *Ibid.*, pp. 20-21.

their labour as a convenience to the more privileged members of the community’, with prisons being used as unpaid gardeners and servants by senior officials.<sup>112</sup>

The Second World War temporarily interrupted the TOC’s plans for penal reform and brought about a massive recrudescence in labour coercion. Across Africa, forced labour was reintroduced for military and agricultural purposes, and convict labour was switched to providing support for such endeavours, with the provision of military uniforms and supplies taking up the majority of man hours.<sup>113</sup> In the post-war era however, the need to justify imperial rule against anti-colonialism and African nationalism saw the implementation of welfaristic colonialism in British colonies. The post-war era saw the emergence of modern strategies of governance, with colonial regimes expressing the intention to turn Africans into Foucault’s ‘docile bodies’.<sup>114</sup> Whilst previously Africans had been unitized and regarded primarily as part of tribal collectives or representative ‘types’, prison officials began explicitly noting that ‘We could make no advancement if we did not regard the prisoner as an individual’.<sup>115</sup> All colonial prisons in British Africa were to expand industrial training programmes. So-called ‘vocational training’ to create productive colonial citizens was in line with new post-war conceptualizations of the ‘African labourer’ as an increasingly urbanized, potentially proletarianized working man.<sup>116</sup> The emphasis was officially placed on ‘teaching the Native to do something constructive and so become a useful member of the community, enabling him to earn a reasonable living and so releasing him from the economic necessity to steal’.<sup>117</sup> Even smaller territories like the Gambia, which lacked any real modernized industry, introduced industrial training.<sup>118</sup> Following metropolitan precedent, earnings schemes were introduced for prison labour to boost productivity, replacing the more physical disciplinary techniques of the interwar years. Remission systems were also based on ‘industry and good conduct’. However, in reality the prison system remained plagued by underfunding, overcrowding, systemic violence and institutional inertia, with reform limited at best.

As one commentator noted ‘[o]vercrowding, drabness and enforced idleness are the hallmarks are too many of our prisons’.<sup>119</sup> Labour played an increasingly significant role in prison discipline as overcrowding increased dramatically in the post-war years, with many prisons at double capacity. For officials, a lack of labour and ‘the idleness of offenders encourage[d] subversive activities’ with disciplinary offences and riots proliferating in many territories.<sup>120</sup> A lack of trained warder staff and too many inmates to be safely supervised at work meant many prisons resorted to staggered working hours and piece work.<sup>121</sup> This was

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<sup>112</sup> Ibid.

<sup>113</sup> Killingray, ‘Labour Exploitation for Military Campaigns’.

<sup>114</sup> See F. Cooper, ‘Conflict and Connection: Rethinking Colonial African History’, *American Historical Review*, 99.5 (1994), 1515-1546.

<sup>115</sup> Tanganyika, *Annual Report on the Administration of Prisons, 1946*.

<sup>116</sup> Cooper, *Decolonization and African Society*, pp. 1-11. See Great Britain, *Labour Conditions in East Africa: Report by Major G. St. J. Orde Browne* (London: HMSO, 1946), Colonial Paper No. 193.

<sup>117</sup> Southern Rhodesia, *Department of Justice Report, 1951*.

<sup>118</sup> The Gambia, ‘Annual Report of the Gambia Prisons and the Treatment of Offenders’, 720.13.s.2, Rhodes House Library, Oxford.

<sup>119</sup> Hamilton, ‘Crime and Punishment’, p. 15.

<sup>120</sup> Sierra Leone, *Report of the Prisons Department 1952*; Hynd, ‘Law, Violence and Penal Reform’, 440.

<sup>121</sup> Uganda, *Annual Report of the Uganda Prisons 1942*.

particularly the case with habitual offenders who could not be safely employed on work gangs outside prison and ‘in consequence, they remain employed on easy forms of labour such as tailoring, mat making and domestic duties’.<sup>122</sup> In the Gold Coast, the 1951 M’Carthy Committee investigation into prison conditions discovered that a lack of supervision, lack of farmland, general overcrowding and the increase in short-term sentences resulted in a sharp decrease in the percentage of prisoners put to work daily, and prisoners being locked up for the evening at 3-4pm.<sup>123</sup> To deal with rising numbers, and reduce costs, in the 1940s and 1950s increasing importance was put on the production of foodstuffs by prison labour, with ‘Prison Farms’ being established in most colonies following the model of extra-mural labour camps. As Tanganyika insisted, Prison Farms trained Africans ‘to become better peasants and not better prisoners’.<sup>124</sup> Such training schemes however often prioritized modern colonial agricultural expertise over local forms of knowledge: the Ugandan Prison service noted that with the establishment of a Prison Farm at Jinja, ‘the underlying idea is to train long-term Bantu prisoners in methods of agriculture best adapted to their country’.<sup>125</sup>

In the last years of British rule in Africa, official colonial policy engaged with new international discourses of penalty in asserting that prison labour should be ‘useful, constructive, and designed as far as possible to help [prisoners] earn a living on discharge’ and that ‘the interests of prisoners... must not be subordinated to...financial profit’.<sup>126</sup> It was clear however that official conceptions of ‘useful, constructive’ labour remained focused on state development and modernization more than individual reform. The TOC in London strongly advocated the use of prison labour on large-scale development schemes, ‘such as irrigation and population resettlement’.<sup>127</sup> Convict labour was used to lower the ‘start-up’ cost of welfare and development schemes, as in Uganda in 1959 where prisoners to deployed to work in the fields at the Namulonge Cotton Research Station and at the meat processing plant operated by the Karamoja Local Government.<sup>128</sup> Whilst the late-decolonization era archival record remains tightly focused on modernizing and reformist policies for prison labour, a reading of local African archives however again reveals the darker undercurrents of colonial penalty: across the border from Uganda, Kenya had been facing the Mau Mau rebellion. To combat Mau Mau, the colonial state unleashed a violent counter-insurgency campaign, with military assaults, executions and the proliferation of ‘detention’ and ‘rehabilitation camps’ for Kikuyu rebel suspects. In the terrible conditions of these camps, thousands of inmates were forced to labour as part of efforts to quash their resistance. Despite

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<sup>122</sup> Tanganyika, *Annual Report on the Administration of Prisons 1945*.

<sup>123</sup> Government of the Gold Coast, *Report on the Committee on Prisons 1951*, Sessional Paper III 1951, cited in Seidman, ‘Ghanaian Prison System’, p. 454.

<sup>124</sup> Tanganyika, *Annual Report on the Administration of Prisons 1942*.

<sup>125</sup> Uganda, *Annual Report of the Uganda Prisons 1942*. See James Turner Hodge, *Triumph of the Expert: Agrarian Doctrines of Development and the Legacies of British Colonialism* (Athens: Ohio University Press, 2007); William Beinart & Lotte Hughes, *Environment and Empire* (Oxford: Oxford University Press, 2008).

<sup>126</sup> Colonial Office, *Treatment of Offenders Memorandum Presented to the Secretary of State for the Colonies* (London: HMSO, 1954); United Nations General Assembly, First United Nations Congress on the Prevention of Crime and the Treatment of Offenders Geneva, 22/8-3/9 1955 A/CONF.6/L.17 1 Dec 1955, 4, Penal Labour-II.

<sup>127</sup> Circular 293/1956- The Employment of Prisoners on Development Schemes, 16 March 1956, Treatment of Offenders Sub-Committee Circulars 1947-59, CO 912/2, TNA.

<sup>128</sup> Uganda, *Annual Report of the Uganda Prisons 1959* (Entebbe: Government Printer, 1960).

colonial rhetoric, deterrence and violence remained central to African experiences of imprisonment throughout British rule.<sup>129</sup>

### Conclusion

The study of prison labour can offer the historian a useful lens on the intersection of colonial governance, penalty and labour economies, but it is one which requires further study to elucidate fully. A detailed comparative analysis of territorial and district archives would better reveal the scale and significance of convict labour, and related controversies, as well as substantiating claims as to its significance to colonial economies. From the evidence presented above, it appears that prison labour held political, economic and penal instrumentalities within imperial and colonial coercive networks. As Bernault has argued, convict labour played a significant role in the creation of colonial labour economies across British Africa, but its usages and relative importance varied over time.<sup>130</sup> In the early colonial years, the availability of slave and forced labour limited the necessity of prison labour, and indeed the infrastructure to provide large numbers of prisoners had yet to be established. The widespread criminalization of labour and the high level of coercion deployed to secure African labour outside of prison walls also limited requirements for prison labour across much of British Africa. Prison labour was however crucial in the creation and maintenance of colonial infrastructures, as well as providing agricultural labour and commodity production for local economies. It was the inter-war depression that most strongly affected the political economy of prison labour across British Africa, as colonial states sought to reduce their expenditure and boost production whilst avoiding competition with private markets, leading to the increasingly systematized and bureaucratized exploitation of convict's labour. Overall, prison labour appears to have been more economically significant in East Africa rather than West, as the indigenous population was relatively scattered and therefore free labour was difficult to recruit.<sup>131</sup> The moral economy of prison treatment was strongly shaped by the normative environment created by the post-1918 international system and its humanitarian and reformist pressures. Convict labour remained viewed by many colonial officials as economically and politically compatible with the ideals of modernization, development and the 'civilizing mission'.<sup>132</sup> To make African convict labour palatable to metropolitan and international audiences however, particularly in the post-1945 welfare and development era, the focus was laid on 'training' Africans, either to be 'better peasants' or productive, industrial workers. The tensions between agricultural and industrial training highlight the persistent contradictions of colonial states: whilst they were reliant on African labour, they feared its power and the effects that 'detrribalization' and industrialization would have on their African subjects. The tensions surrounding the use of prison labour as an instrument of 'reform' or 'production' similarly highlight colonialism's conflicting desires to exploit and to 'civilise' or develop its subjects. Despite the reformist discourses that frame official reports on prison labour, it is clear however that there was a gap between colonial rhetorics of reform

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<sup>129</sup> See Caroline Elkins, *Britain's Gulag: The Brutal End of Empire in Kenya* (London: Pimlico, 2005), pp. 117, 141-2, 224.

<sup>130</sup> Bernault, 'Shadows of Rule', p. 62.

<sup>131</sup> See Circular 293/1956, The Employment of Prisoners on Development Schemes, 16 March 1956, Treatment of Offenders Sub-Committee Circulars 1947-59, CO 912/2, TNA.

<sup>132</sup> Lichtenstein, *Twice the Work of Free Labour*, p. 194.

and the continued coercive reality of imprisonment for many Africans. Prison labour ultimately demonstrates that the inmates of British colonial Africa's prisons were imprisoned, exploited, trained and reformed more because they were African than because they were criminals.