Gender, Subalternity and Silence: recovering convict women’s experiences from histories of transportation, c. 1780-1857

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Introduction: gender and the subaltern subject-effect

Ann Laura Stoler and Frederick Cooper have recently provided another reminder that one cannot simply ‘do’ colonial history. What constitutes the archive - what is included and what is excluded from it - reflects the cultural politics of colonialism itself. Nicholas B. Dirks has made a similar observation, describing the archive as a discursive formation that reflects the categories and operations of the colonial state. Few post-colonial historians or anthropologists would find these claims controversial now, but the question remains: if we accept them, how can historical research proceed, particularly the recovery of non-elite histories and experiences like those of subaltern women? Since the 1980s, scholars in the Subaltern Studies collective have been providing imaginative readings of colonial sources to trace the emergence of subaltern consciousness and experiences. The problem is, of course, that subalterns are far from autonomous social actors, but emerge from traces in the archives that define them in relation to elites. Perhaps for this reason, some post-colonial theorists, notably Gayatri Chakravorty Spivak, question whether

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subaltern consciousness can be recovered at all. For her, the best historians can do is to point to the silences in the archives, and trace the production of what she terms ‘the subaltern subject-effect’, for the subaltern is never produced in and through him or herself, but through the knotting together of particular, and contingent, historical strands.\(^5\)

The complexities of this endeavour are further complicated by scholars’ own agency in the production of history. We slot historical remnants (or subject-effects) into neat historical categories – yet if we did not do so, we would be unable to write about the past at all.\(^6\) The retrieval of women’s experiences is particularly difficult in this respect. As Kamala Visweswaren has shown persuasively, one of the problems of the theorization of gender by the Subaltern Studies project has been the production of gender as a separate social category, marginal to caste and class. For Visweswaren, the concept of ‘woman’ was central to class formation, and so ‘subaltern women’ and ‘women as subaltern’ must be conceptualised differently.\(^7\) We could add that the colonial category of race here; race, gender and class are what Anne McClintock calls ‘articulated categories’, formed \textit{in and through} relation to each other.\(^8\)

I would like to explore some of the theoretical complexities around the retrieval of women’s experiences in considering the transportation of Indian convict women to penal settlements in Mauritius (1815-53) and Southeast Asia – Bencoolen (1787-1825), Penang (1790-1860), Malacca and Singapore (1825-60) and the Burmese provinces of Arakan and Tenasserim (1828-62). I will argue that, during this period, colonial


administrations gendered the criminal body in their organisation of both convict labour and the penal hierarchy. Such gendering was inflected with colonial categories of hierarchy, racial difference and criminality. This chapter will explore three broad themes. First, I will look at the relationship between the body, space and punishment. Second, I will consider the construction of colonial discourses of convict sexuality that transformed convict women into embodied sites of criminal reproduction. Third, I will make some suggestions about the meaning of female convicts’ ‘silences’ and ‘voices’ in the colonial archive. Comparative literature has shown how the purpose of colonial sources can be both interrogated and inflected to reveal how historical agents subvert the official meaning of the documents in which they appear. Women’s agency thus begins to emerge from cracks in the colonial archaeology of knowledge.

**Gendered Bodies and Convict Responses**

This chapter argues that gendered interventions were central to colonization and the production of colonial boundaries in Indian penal settlements. These boundaries were, however, inherently unstable. On the one hand, colonial practices marked significant departures from pre-colonial social hierarchies. As Radhika Singha has shown, the effect of European rationalism on colonial penology produced sharp differences in the punishment of women. For instance, the Company rendered subject women open to punishments previously accorded only to men. Women could be executed for wilful

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9 O’Hanlon and Washbrook, ‘After Orientalism’, p. 149.
murder, a departure from pre-colonial practice in parts of India. From the late eighteenth century, it also made women subject to the practice of penal tattooing on the forehead (godna), until the practice was banned in 1849.

Yet not entirely consistently, some years earlier in 1825 the Company had banned the flogging of women on the grounds of ‘delicacy and humanity’. In 1839, it also exempted female prisoners in Bengal from fettering, the Faujdari Adalat (Criminal Court) noting that it was ‘for obvious reasons improper.’ Such penal interventions were reflected in changing prison management techniques. As Indian jails were increasingly transformed into productive spaces during the 1840s, women were put to work on indoor labour (notably the hand mill to grind wheat, but also ‘domestic’ work such as spinning, weaving and cleaning) as an alternative to those forms of hard labour (outdoor labour such as road building or land clearance) considered suitable for men. By the time the Prison Discipline Committee published its report in 1838, this was the case in all mainland jails, with just one exception. The gendered division of penal servitude produced a sharp distinction between ‘public’ and ‘private’ productive space, reflecting bourgeois metropolitan aspirations about the appropriate sexual division of labour, and the visibility of women in work, rather than necessarily replicating pre-existing productive spheres.

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15 IOR P/141/53 (30 Mar. 1841): H. Hawkins, Register *Nizamat Adalat*, to F.J. Halliday, Sec. to Gvt Bengal, 19 Mar. 1841, enclosing ‘Statement exhibiting the number of female convicts, 31 December 1840, in the jails of the several districts in the Lower Provinces’.
There is a good deal of suggestive evidence that, like male prisoners, women resisted aspects of the prison regime, like the infringements of caste caused by the attempted institution of common messing during the 1840s.17 Their employment at what was traditionally low-caste labour – sweeping and cleaning – was always a potential flashpoint. Refusal to work, insolence, disobedience, sexual impropriety, and bartering rations for stimulants and other goods were important forms of ‘everyday resistance’ in which women engaged. Contemporaries often refused to take such resistance seriously. When W.H. Marshall (a former editor of the *Rangoon Chronicle*) visited Moulmein prison in the 1850s, for instance, he described how a local female prisoner had attempted to dodge the prison guards and climb the prison wall. He claimed that it was ‘not likely’ to have been an escape attempt, and compared her actions to a game of hide and seek.18 Nevertheless, female prisoners were commonly awarded punishments such as grinding grain or mortar, or more dramatically had their hair cut.19 There is further evidence that in penal settlements where male convicts were commonly hired out as servants to private employers, women were ‘always unwilling to take service’ and preferred to remain in jail.20 That women forced the hand of the administration in this respect perhaps explains the latter’s concurrent lack of ideological commitment to the construction of a socially

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(as opposed to productively) distinct penal sphere for the incarceration of female convicts.

During the 1820s penal administrators attempted to implement a variety of disciplinary strategies, including separate accommodation for men and women. I would argue that this was a response to the recognition that it was not the colonial authorities that determined how convicts experienced incarceration but to a large degree convicts themselves. Regulations in Bencoolen first ordered the separation of convict men and women, and these were later extended to the Straits Settlements and Burma. However, in practice convict men and women continued to live together and the authorities were generally unwilling to interfere with their kinship networks. Note the answers given by administrators in the Straits Settlements when the Prison Discipline Committee asked about them:

Malacca: ‘The jailer has discretional power in permitting access to the family and friends of persons under sentence.’
Penang: ‘Women and other visitors have (with permission) access to the convict lines.’
Singapore: ‘Visitors are supposed to be excluded from the Jail, but I have no doubt they could find means of access if inclination or profit tempted them to try it … I confess I should not, under certain restrictions, object to women visiting the convict lines so long as such visits were not the cause of confusion or riot.’

It is in administrative attempts to gender penal space as well as penal servitude that traces of women’s experiences of transportation begin to emerge. H.G. Bonham, the Resident Councillor at Singapore, informed the Prison Discipline Committee that women

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‘reside as wives to any of the convicts with whom they choose to live.’ Female convicts shipped to the penal settlement at Mauritius (which the Committee more or less ignored, because it was not Company territory) also lived with male convicts there. It was not until the 1840s - following the recommendations of the Committee that existing rules and regulations be more strictly enforced - that the settlements began to develop separate accommodation for women. However, as late as 1845, the Resident Councillor of Malacca reported that no special notice of convicts’ families had ever been taken. Convict men and women were also still living together in the Singapore lines.

It is impossible to say to what extent the imbalanced gender ratio (women made up just five per cent of the total at the very most) gave convict women in Singapore the choice of male partner that Bonham told the Prison Discipline Committee that they had. Satadru Sen certainly argues that this was the case in the Andaman Islands penal colony after 1857. Marina Carter too has drawn similar conclusions for female indentured migrants in Mauritius. In these early penal colonies, however, it may be that a male partner was a necessary option for convict women, offering protection and access to additional resources in newly colonized and often harsh environments. When convict women were released, they were issued documents detailing their employment, penal class, secondary punishment and marriage. It seems that convict women ‘chose’ men

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23 IOR P/141/1 (13 Sept. 1836): Bonham to J.P. Grant, Sec. Prison Discipline Committee, 5 Apr. 1836; PDC, para 118, p. 51 (my emphasis).
24 Anderson, Convicts In The Indian Ocean, p. 90.
25 PDC, p. 12 (recommendation 51).
employed as petty officers, positions of authority through which they enjoyed considerable material and other privileges, notably with regard to separate accommodation, enhanced food rations and/or pay. There were other factors at play; partners frequently came from the same region of India - indicative of shared language and culture, in a broad sense.\textsuperscript{30} Yet it is far from clear that the establishment of such partnerships represent the choices of convict women, rather than the exercise or extension of power by male convicts in positions of relative authority (notably jemadars, the most senior of convict overseers). I would like to shape these emergent archival patterns to ascribe agency to these convict women. However, I fear that this would reflect my own desire to award weapons to the weak, rather than the opacity of the historical problem.

I have written elsewhere about the Eurasian convict Maria Davis, shipped to Mauritius in 1828. The Calcutta Supreme Court had convicted her of murder and sentenced her to death, later commuting the sentence to life transportation. Davis had beaten her female slave - Nuseebun \textit{alias} Nancy Burn - to death at her house in Cossitollah, whilst in a drunken stupor. Shortly afterwards, she was transported to Mauritius with her eleven year-old daughter Emma. Their arrival caused considerable annoyance to the British colonial authorities. At first they tried to back out of their agreement to receive convicts from the Bengal Presidency, arguing that as Davis had been sentenced to transportation to Mauritius specifically, rather than transportation generally, her sentence was unlawful. The Calcutta Supreme Court disagreed, and confirmed the legality of the sentence. The Mauritian government therefore agreed to keep the women, but lodged them entirely separately from the other Indian convicts, male and female. They were placed in separate accommodation, and given a quite

\textsuperscript{30} Survey of release documents found in TNSA Judicial Proceedings.
extraordinary quantity of goods, including a bed and mattress, two chairs and a table, six pairs of shoes, cloth for chemises (blouses), sixty yards of ‘gown stuff’, a dozen cotton stockings and a piece of sheeting. The problem was solved for the Mauritian government at least when Davis and her daughter fell ill with tuberculosis soon afterwards. They died in 1830, Davis having repeatedly refused to go to hospital.31

Another female convict, Victoria Adelaide Hassey, was transported from Calcutta to Singapore in 1855. The ship indent records the following: her father was named Daniel Hassey; she was convicted of being an accomplice in the murder of Jugeroop and the theft of property valued at 115 Rupees; she was tried in Benares on 19 November 1853, and sentenced life transportation ‘with labor suited to her sex’; and, she was a Christian. Her Eurasian status is further hinted at in the roll - ‘wheat color’ - the usual description for convicts with fair skin.32 Victoria Hassey’s transportation to the Straits provoked a similar response to Maria Davis’ arrival in Mauritius some twenty-five years earlier. According to Governor W.J. Butterworth, there was ‘much sympathy and compassion here especially among the ladies of the community – This person is young, educated, and a Christian, yet she is mixed with heathen females, and no instructions have been sent to me to treat her otherwise than an ordinary native female criminal’.33

The contingency and instability of colonial categories of race, class, criminality and gender – and most significantly the multiple articulations between them – emerge through a consideration of the transportation of Maria Davis and Victoria Hassey. They were treated quite differently to those women – from Britain and across the empire -

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31 On Maria Davis, see also Anderson, Convicts In The Indian Ocean, pp. 20-1; IOR SM46: The Government Gazette (and Supplement), 7 Aug. 1828.
32 IOR P/145/10 (3 May 1855): List of 38 female convicts for Singapore per Soobrow Salam, 26 Apr. 1855.
33 IOR P/145/22 (8 Nov. 1855): Extract from a letter from W.J. Butterworth, 12 July 1855.
shipped to the penal settlements in Australia at about the same time. This was largely
down to differences in the articulation of racial categories. Up until the 1830s, Eurasians
were increasingly marginalized from ‘white’ society in India. Yet they were in a loose
sense still connected to the colonial elite. In Mauritius and Singapore, evidence of
Eurasian criminality, especially by female Christians, potentially brought the authority of
the governing classes into disrepute. Europeans therefore chose to ignore these women’s
class and criminality, and to forge alliances with them on the basis of race. This seems
extraordinary, particularly for Davis who was found guilty of a capital offence. In the
Antipodean settler societies, the picture was entirely different. Free settlers self-
consciously distanced themselves from convicts (most of whom were convicted for
crimes against property), and the ‘stain’ they brought with them.

At the same time, the cases of Maria Davis and Victoria Hassey further underline
the need to make a distinction between ‘convict women as subaltern’ and ‘subaltern
convict women’. To now, I have been referring to ‘female convicts’ or ‘convict women’,
for it is in that singular and anonymous form that they usually appear in colonial reports.
However, female convicts were neither ascribed nor took on an undifferentiated identity.
It would be misguided indeed to claim that all convicts came from marginalized
communities and embodied or expressed a distinct convict identity. Of course at one level
the process of transportation transformed all convicts into a subaltern community. At
another, convicts produced distinctions amongst themselves, through forms of self-

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34 Joy Damousi, *Depraved and Disorderly: Female Convicts, Sexuality and Gender in Colonial Australia*, Cambridge, 1997; Kay Daniels, *Convict Women*, St Leonard’s, 1998; Frost and Maxwell-Stewart, eds, *Chain Letters*. On convict women shipped from British colonies to Australia, see Duffield, “‘Stated This Offence’”, pp. 127-32 (on the slave Maria, shipped from Honduras to Van Diemen’s Land in 1828).
categorisation and negation. In this sense, women’s experiences and identities were not
necessarily predicated on colonial (or local communities’) definitions of them, and
sometimes revealed their ambiguities, perhaps - as we have seen - in alliances of kinship.

Other forms of self-categorisation might have related to social background in a
more general sense. The ship indents that accompanied every convict into transportation
show that women came from a wide range of religious and caste backgrounds. Ship
indents also reveal the diversity of crimes for which women were transported. There is
growing evidence to suggest that radical shifts in landholding and patterns of taxation
stimulated crime during the early nineteenth century. Whilst some women were
sentenced for such crimes, others were convicted of infanticide, murder and other violent
offences against the person. Transportation to an overseas penal settlement provided a
space in which convicts could reproduce or reformulate social identities. In the Southeast
Asian settlements, some low-caste women converted to Islam, a not unusual strategy
for social betterment amongst all transportation convicts. Later on, the potential fluidity
of identity was seen as good reason to transport female offenders who had broken
community strictures as well as the law. As one judge wrote of one Nale Lingi, convicted
of infanticide in 1884: ‘The woman confessed her crime. She was a widow and had
committed the offence when suffering heavily from the disgrace consequent on her

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36 For an overview of Subaltern Studies explorations of negation (‘the violation of signs, precisely as a
process of identification’), see O’Hanlon, ‘Recovering the Subject’, pp. 204-6.
37 From analysis of the 82 ship indents noted above.
38 The best collection to date remains Anand A. Yang, ed., Crime and Criminality in British India, Tucson,
1985.
39 Analysis of records of 82 women transported to the Straits Settlements and the Tenasserim Provinces
show that 24 were transported for infanticide/procuring abortion, 32 for murder, 17 for property offences
(including poisoning) and 5 for thuggee (IOR Bengal judicial proceedings). Peter Zinoman has similarly
noted that ‘official and popular attitudes towards crime in Indochina emphasized fundamental differences
between male and female criminality’, despite suggestive evidence to the contrary: The Colonial Bastille: A
40 IOR P/144/2 (14 May 1851): A.P. Phayre, Commissioner of Arakan, to J.P. Grant, Sec to Gvt Bengal, 21
Apr. 1851, enclosing A. Fytche, Principal Assistant Commissioner Arakan, to Phayre, 15 Mar. 1851.
condition and had been roughly treated by her relations who had refused her shelter. In concluding my judgment [of transportation for life], I made no recommendation on her behalf for I think the truest kindness will be not to do so but to let her go to a new country’. 41

It is perhaps also worth mentioning another piece of evidence, the Singapore Medical Officer’s 1856 report on four blind convict women– Shahiboo, Boreboh, Suddon and Hurro. He wrote ‘it does not task the imagination highly to understand the wretched plight of such poor helpless creatures put on board ship and left to the tender mercies of their sister murdereses [sic], who are far more likely to deprive them of their allowance of food than assist them to any additional comfort, the state I have seen these unfortunates reduced to is but too corroborative of the suspicion’. 42 If he was correct, the report reveals the production of other sorts of social distinctions, formulated by convict women themselves.

Cracks in the archaeology of convict knowledge: the hidden transcript

So rarely do we find the words of convict women reproduced in the archives that I would like to cite the petition of Ragoo, a female convict transported to Mauritius in 1834, in full:

To His Excellency J.M. Higginson Esq. Governor & Commander in Chief in & over the Island of Mauritius and its Dependencies &c. &c.

May it please Your Excellency.

The Petition of Ragoo, a Female Convict.

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41 TNSA Judicial Proceedings, 7 Nov. 1884, 2888: L.A. Campbell, Sessions Judge Nellore, to J.A. Davies, Registrar High Court, 24 Sept. 1884.
Most humbly showeth

Your petitioner was transported to this Colony for life in the year 1834 & consequently has served 17 years & during that period she has conducted herself with propriety and being now fifty five years old; she respectfully begs of Your Excellency to grant her pardon on the same conditions as was granted some time back to 100 Male Convicts.

And, as in duty bound, Your Petitioner will ever pray.

Ragoo X her mark

Port Louis 13th January 1851

Evidently this petition is a mediated representation of Ragoo’s experiences of transportation. In all probability written by a scribe well versed in the art of petition writing, the content, language and tone reveal very little, other than the fact that Ragoo was still alive seventeen years after her transportation to the island – and that she has been able to pay the writer. He (for it was certainly a he) was aware of the rules of this colonial game. Ragoo is humble and in duty bound; her conduct has been proper. The petition reveals little else, other than Ragoo’s inability to sign her name. No mention is made of her child, for instance, the existence of whom is recorded elsewhere in the Mauritian archive. I think that this is because, as I have argued elsewhere, while male convicts’ efforts to establish kin networks in Mauritius won the support of the colonial authorities, for female convicts it was evidence of sexual activity, which in itself equated to questionable morality.

Moreover, the very existence of this mediated document is evidence of Ragoo’s gendered marginality, for she had been excluded from the general liberation of convicts, which affected only men - the vast majority of convicts. In this sense, its silences speak volumes. To be sure, there are no parallels with the deep texts available to historians of

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43 MA RA1148: Petition of Ragoo, 13 January 1851.
44 Anderson, *Convicts In The Indian Ocean*, pp. 86-91.
45 On the liberation of convicts in Mauritius, see Anderson, *Convicts In The Indian Ocean*, ch. 6.
female convicts in Australia, narratives that lend themselves to nuanced considerations of gender, experience and identity. This is at least partly a problem of sources, and one that brings us back to the problem of the near invisibility of Indian convict women in the colonial archive. If our subaltern does not speak, how do we set about further untangling the historical context in which particular subject-effects were produced?

As we have seen, there are only fleeting references to convict women during the period to the 1840s, largely when they were described in ship indents, codified in the drawing up of rules, enumerated in annual reports or represented in release documents. By the 1840s and 1850s, however, they began to appear in colonial correspondence for the first time, represented as a disciplinary problem and the cause of socio-sexual disorder. In this section, I would like to trace and explain the genesis of this shift. I will focus on Inspector-General of Prisons F.J. Mouat’s 1856 report on transported women in Sandoway Jail, Arakan, and local administrators’ responses to it, to argue that discourses of women’s sexual immorality were produced by the authorities’ recognition of their failure to establish entirely separate convict spheres. I will go on to suggest reasons why this became an issue so long after the Prison Discipline Committee’s 1838 call for tighter discipline. At the same time, like Spivak, I want to point to the significance of convict women’s silences in my interpretation of gender relations.

In 1846, A. Bogle, Commissioner of Arakan, wrote that he thought that convict women incarcerated at Kyaukpyu (Ramree Island) ‘will give rise to very serious trouble,

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47 Marina Carter has faced the same dilemma, constructing a picture of labourers’ experiences of indenture almost exclusively through letters written by men: Voices From Indenture.
probably to murders’, and that another female convict in Sandoway Jail ‘occasions a great deal of trouble’. These were veiled references to sexual activity in the jails and, more particularly, to the competition between male convicts for sexual access to these women. Bogle’s Assistant, D. Williams, wrote that the genesis of the ‘jealousies created by them’ was the lack of separate accommodation. Bogle proposed a solution to the problem: that the women be sent back to Alipur Jail near Calcutta, from where they had been transported. The Bengal authorities disagreed, and wrote that the officer in charge of the jail should ‘make the proper arrangements for preventing irregularities’.  

Governor W.J. Butterworth’s comments on convict women in Penang the following year are worth quoting at length:

I … urge the inexpediency of sending convict women to the Straits. There is the greatest difficulty, without additional overseers and the construction of new buildings, to keep them entirely separate from the men. The details given me by the Sergeant in charge of the Lines on my recent visit to Penang, when remarking on the disgraceful fact of there [sic] being ‘enciente’ [pregnant], are too disgusting to commit to paper. I mention one anecdote. The party of women (22 in number) [were] transported from Bengal per Fire Queen and Phlegethon, in November 1846 and September 1847. They were at first confined in a Room with a window looking on the Road which was well secured with iron bars. This window was kept open, to let light and fresh air in. It was altogether a place apparently well suited to females, but they were obliged to be removed from it, in consequence of being found cohabiting with the townspeople through the grating of the window!  

In some ways, Butterworth’s report simply confirms the picture already painted in Arakan. In others, his allusion to sexual transactions by convict women is more complex, in that it suggests that they were trading sexual services for cash or other goods. In this

49 IOR P/143/16 (22 Mar. 1848): Butterworth to Young, 12 Nov. 1847, enc. S. Garling, Resident Councillor Penang, to Butterworth, 11 Sept. 1847.
sense convict women did possess some sort of agency – or at the very least were able to employ what James C. Scott has termed the ‘weapons of the weak’.50 Butterworth repeated his request the following year. Convict women were, the Resident Councillor of Penang, S. Garling, reported, ‘a source of great inconvenience and give much occasion for unpleasant remarks by the Grand Jury and the Bench’.51

What is most intriguing about these comments is why their anxiety emerged during the second half of the 1840s, fifty years after women were made liable to transportation,52 and ten years after the Committee on Prison Discipline was set up. I suspect that the answer lies in enhanced administrative efforts at the regulation of sexual access to convict women or, to put it another way, interference in the organisation of gender/sexual relations by and between convicts. Yet the question remains: why at this particular moment? The answer seems to lie in emergent fears about hereditary crime, through which convict women’s motherhood took on a new meaning. We know little about birth rates amongst convicts. A general census of Fort Marlborough and Bencoolen taken in 1820 shows that 569 convict families had seventy-six children - compared to 182 for 150 free Bengali families - which seems quite low.53 During the same period, convicts’ children were allowed to attend Penang Free School.54 Until the middle of the nineteenth

51 IOR P/143/22 (28 Aug. 1848): Garling to Butterworth, 6 Mar. 1848.
century, pregnant Indian women were not exempt from transportation. Women with small children took them into transportation, keeping them with them until they were four or five years old. The children were then given over to orphanages.

Ranajit Guha has famously noted the colonial archive’s appropriation of the language of ‘infestation’ as ‘the prose of counter-insurgency’. I would like to suggest that it adopted similar linguistic turns to describe convict women’s sexuality. It is no coincidence that such language emerged at the time penal settlements began to receive women convicted of thuggee, an offence that encompassed a broad range of offences (including murder, poisoning, kidnapping). In Arakan and Penang, for instance, Commissioner A. Bogle and Superintendent of Convicts S. Garling used the words ‘hatch’, ‘breed’ and ‘brood’ to describe the conception and birth of their children. The shift from ambivalence to concern about women’s sexual activity coincided with a change in thinking about hereditary criminality, particularly the genesis of the idea that criminal tendencies could be passed between parent and child. By the middle of the nineteenth century, convicts’ sexual freedom was also seen as the antithesis of discipline. A note pencilled on correspondence received from E.A. Blundell, Governor of the Straits, by T. Pycroft, Chief Secretary to Government Madras, observed that the idea of two convicts living together and having a family ‘gives a curious idea of the Straits, as Penal Settlements’. In 1857, F.J. Mouat issued a circular prohibiting women from taking their children into transportation with them at all. Women with young children would be

55 IOR P/143/36 (29 Aug. 1849): List of 82 convicts to Moulmein per Tenasserim, 12 July 1849 (no. 79 Musst Puchooee).
56 For example: IOR P/144/2 (14 May 1851): Phayre to Grant, 21 Apr. 1851.
57 Ranajit Guha, ‘The Prose of Counter-Insurgency’.
59 TNSA Judicial Proceedings, 15 July 1859, 31-2: E.A. Blundell, Governor Straits Settlements, to T Pycroft, Chief Sec. to Gvt Madras, 10 June 1859.
detained in jail until they reached the age of two; the woman would then be transported, and their children treated as foundlings.\textsuperscript{60}

I would now like to turn to F.J. Mouat’s 1856 inspection of Sandoway Jail, which he conducted during his general tour of the district jails in Arakan. This is an extract from his official report:

The worst feature in the Jail is the women’s department. There are ten female life prisoners, most of them confined for murder, and with them is associated a Mugh woman [i.e. locally convicted] sentenced to a year’s imprisonment for theft. They occupied the end of one of the male wards, separated by a mat partition, through which they can at any time be overlooked by their neighbours. I found that one of them, named Budnee, had a child at the breast, two years old. She was sentenced in 1849, and has been in the Sandoway Jail more than three years. Another, named Jusseah, who was imprisoned in 1845, has been in the Sandoway Jail for six years. She has a child three years old, and miscarried a year ago. If all that I heard regarding this female ward be true, it is little better than a brothel, and a scandal to the prison.\textsuperscript{61}

This report actually tells us little beyond Mouat’s outrage at female prisoners engaging in sexual activity, leaving us with a tantalising ‘if all that I heard … be true’. His representation of convict women’s sexual immorality is, in many ways, predictable. Middle-class observers commonly accused subaltern women of engaging in prostitution at this time – accusations which tell us rather more about the eye of the middle-class beholder than subaltern gender practices.\textsuperscript{62} In describing Sandoway as ‘little better than a brothel’ Mouat’s official report simply reproduced earlier administrative discourses.

Visitors to penal settlements were equally unremitting in their accounts of convict women. Clementina Benthall (wife of magistrate Edward) wrote that a shipload of female

\begin{footnotes}
\textsuperscript{60} IOR P/145/64 (25 June 1857): H Fergusson, Supdt Alipur Jail, to C.J. Buckland, Sec. to Gvt Bengal, 6 Apr. 1857.
\textsuperscript{61} Mouat, \textit{Reports on Jails}, pp. 188-9.
\end{footnotes}
convicts en route to Arakan in 1847 were ‘horrid creatures’. The Earl of Elgin (later Viceroy of India) wrote of a visit to Singapore ten years later: ‘I cannot say that their appearance made me envy the [male] convicts much.’ John Furnivall’s uncritical reading of the nineteenth-century colonial archive of the Tenasserim Provinces brings him to the same conclusion, reducing convict women to ‘the constant cause of quarrels and insubordination’.

In his report, Mouat hints that he heard rather more about the circumstances of the pregnancies than were published. For further details, we need to delve deeper into the archive, in search of what Scott has termed the ‘hidden transcript’. What follows is taken from records of his correspondence with the Henry Hopkinson, Commissioner of Arakan, and James Emerson, the Principal Assistant Commissioner in Sandoway, who served as Magistrate and Superintendent of Sandoway Jail. They questioned the accuracy of many of Mouat’s claims. When Mouat arrived at Sandoway, the Superintendent had been absent on business for some weeks, so he was received by the jail darogah. Mouat’s written report hinges on ‘all that [he] heard’, information imparted by the darogah and most likely some of the convicts – though he doesn’t specifically mention what either said. James Emerson quickly intervened to set the record straight:

63 Centre of South Asian Studies, University of Cambridge: Benthall Papers: Box XXX, part i: *Diaries kept by Mrs Clementina Benthall*, January 1849 – March 1850 (typescript copy at Box XXX, part iii.) The women were travelling from Calcutta *per Enterprize*. There were five women on board. See: IOR P/143/30 (21 Feb. 1849): List of 61 convicts to Moulmein *per Enterprize*, 10 Feb. 1849. Clementina Benthall noted that she thought the women were poisoners. The indent is rather ambiguous on this: one had been convicted of being an accomplice in the murder of her husband, a second of the wilful murder of a servant, two of being accomplices in the murder of a new born child, and another of the infanticide of her one year old daughter by throwing her down a well.
There are ten female life prisoners in the jail but only one of the number, Jassia, has been proved guilty of having had intercourse of a criminal nature with any one belonging to or connected with the Jail, who was once caught in the act with a Prisoner not, be it observed, in the Female Ward, but in the open Maidan in broad day light. The result was the child alluded to by the Inspector, as being three years old.

Again this same Jussia was suspected of having gone a stray [sic] and of having miscarried, and she was punished.

The Inspector mentions the case of the woman Budnee and the discredit of it is laid to the Jail at Sandoway, whereas the real truth is that on the 21st February 1853 this Budnee arrived at Sandoway having been sent from Akyab and on the 25th of June following she gave birth to a child. The child therefore, if the produce of a Sandoway Jail irregularity must be, what would be called a four months child! Is such a thing possible? I doubt it myself.66

Mouat wrote that he would be happy to think that he had been misinformed,67 but he clearly did not think he had been. Shortly afterwards he recommended that the transportation of women should cease altogether.68

Is there anything further in this ‘official transcript’? I believe that there is, and that it can be interrogated to reveal something of the centrality of women to power relations inside the jail. When Mouat arrived at Sandoway, the Magistrate had been away for two months. It was, by Mouat’s own admission, an extraordinary state of affairs. Indeed, the Commissioner of Arakan wrote that he should not have been so taken aback to find things not quite in order: ‘a stranger in a school in the absence of the school master … would not be surprised to find the boys enjoying a sort of saturnalia’.69 James Emerson, his Principal Assistant, admitted that there were problems with jail superintendence, describing the darogah as a ‘grinning idiot’ and most of his subordinates as ‘a discontented ill-paid rabble’. He added that only the efforts of the

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66 IOR P/145/44 (31 July 1856): James Emerson, Principal Assistant Commissioner Sandoway, to H Hopkinson, Commissioner of Arakan, 13 May 1856.
67 IOR P/145/44 (31 July 1856): Mouat to Buckland, 10 June 1856.
69 IOR P/145/22 (31 July 1856): Hopkinson to W. Grey, Sec. to Gvt Bengal, 1 May 1856.
Head Native Officer and some of his subordinates, the convicts would be able to do as they pleased. Emerson was keen to know precisely what Mouat had heard from whom.  

Mouat refused to be drawn on the issue, and would only say that he had reached his conclusions by ‘personal observation’. He claimed that his conclusions had nothing to do with the absence or otherwise of the Superintendent. Rather, he wrote, he had been told that the subadar and darogah of the jail had contracted syphilis some years previously, apparently after intercourse with one of the women still in confinement. Further, he alleged that ‘a quantity of gold and other expensive personal ornaments’ had been removed from the women before he inspected the female ward, by implication by the darogah or another guard. Mouat described this as ‘most probably the price of concubinage’. In other words, according to Mouat, women were engaged in an economy of sexual exchange.

Is it possible that Mouat was correct, and that women were being paid for sexual services in kind? Two rare photographs of Indian female convicts in Singapore Central Jail show a substantial amount of jewellery. Bangles, earrings, rings and a necklace are all in view. It is not of course possible to say where the jewellery of these women – or

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70 IOR P/145/22 (31 July 1856): Emerson to Hopkinson, 13 May 1856.
71 IOR P/145/22 (31 July 1856): Mouat to Buckland, 10 June 1856. Mouat added that he had not singled Sandoway out for particular criticism: ‘The fact is that the state of the female wards of all the Jails under my supervision is a source of much anxiety and misgiving to me.’ He attached an extract from his report on the Hazareebaugh Penitentiary (n.d): ‘The “ward for women” is not only in the same compound with those of the male prisoners but is otherwise so accessible that I am convinced that it is the scene of every species of irregularity, whenever the back of the European Jailor is turned. One example brought to my notice by Sergeant Rix, is so flagrant, that I can scarcely suppose it to have escaped the notice of the Magistrate. A woman confined for life for the murder of her husband is employed as the cook of the women’s ward. The paramour for whom the crime was committed is also an inmate of the Penitentiary, and Mr Rix says he cannot prevent their “getting together”:’ IOR P/145/22 (31 July 1856): Mouat to Buckland, 24 May 1856.
72 IOR P/145/22 (31 July 1856): Mouat to Buckland, 24 May 1856.
73 These photographs are held in the Imperial College Archives, London (Huxley Collection), and in the collections of the Royal Anthropological Institute, London. I deal with the production of these and other such anthropometric photographs in *Legible Bodies*, ch. 5. See also Elizabeth Edwards’ brilliantly nuanced discussion in *Raw Histories: Photographs, Anthropology and Museums*, Oxford, 2001, ch. 6.
that of the women Mouat described - came from. Mouat himself might have been drawing assumptions about the provenance of the jewellery he claimed female convicts possessed, though given the speed with which it was removed before his visit this seems unlikely. Neither is it possible to draw firm conclusions about who controlled sexual access to convict women - the prison guards or the women themselves. However, the women’s ownership of jewellery is strongly suggestive that notwithstanding the potential for exploitation they enjoyed at least some of the fruits of their sexual labour.

Reshaping the boundaries of incarceration

Convict women transported to penal settlements in Southeast Asia during the first half of the nineteenth century only became subjects of concern during the 1840s. Until then, there are fleeting glimpses of them in the archives. The emergence of women in written records at this time is important, for it reflected a fundamental shift in colonial attitudes. During the early part of the century penal administrators had not interfered in convicts’ negotiations of relationships and kin networks. Later on, as new discourses of hereditary crime emerged, they began to intervene both in representing women in new ways and in creating separate accommodation for them. There are then important meanings to be attached to the ‘silences’ of and about convict women during this period.74

The agency of convict women in reshaping the boundaries of incarceration can also be read through the written record. From the repertoire of punishments awarded to women and the comments of contemporary administrators it is clear that female convicts engaged in everyday resistance to the prison regime, for instance in refusing to engage in particular types of labour. The economy of sexual exchange that operated in prisons is

74 Prakash, ‘Subaltern Studies’, p. 1486.
perhaps the most problematic element of women’s agency to interpret in this respect. The exchange of sexual services for cash or other goods was and remains a complex social encounter into which both exploitation and empowerment can be read. In the face of only fragmentary evidence and the silence of convict women themselves, perhaps the best way to reconcile this dualism is to see it as women’s deployment of the ‘weapons of the weak’. In this sense, convict women were disempowered but not completely powerless.