Convict labour in the southern borderlands of Latin America (ca. 1750s-1910s).

Comparative perspectives

Christian G. De Vito

Convict labour – defined as “the work performed by individuals under penal and/or administrative control” 2 – has hitherto remained marginal within both theoretical debates on “free” and “unfree” labour, and the literature on the relationship between the abolition process of chattel slavery and the persistence of other forms of coerced labour. In this respect, this chapter aims to bring it back into these debates, by making convict presence visible and by interpreting the role of convict labour at the crossroad of multiple regimes of punishment and labour relations. In particular, the essay addresses three broad questions: What historical conditions favoured the exploitation of convict labour as part of the larger process of commodification of labour? In which economic sectors did convicts work, and how did their tasks differ from those of other labourers? How did convict transportation interact with other labour migrations?

In previous publications, Alex Lichtenstein and I have produced broad surveys of the secondary literature on this topic, spanning centuries and virtually covering the globe. 3 In order to offer more nuanced descriptions and interpretations of these phenomena, I now sharpen my focus. Besides concentrating exclusively on male convict labour, this chapter deals specifically with the borderlands 4 of Latin America (Patagonia, Araucanía, Magallanes and Tierra del Fuego), with the double aim of providing a synthesized view of some characteristics of convict labour in this vast and variegated region, and broadening the scope of literature on convict labour in the Americas.

1 The research leading to these results has received funding from the European Research Council under the European Union's Seventh Framework Programme (FP/2007-2013) / ERC Grant Agreement 312542. The project “The Carceral Archipelago: Transnational circulations in global perspectives, 1415-1960” is based in the Department of History, University of Leicester. Many thanks to Emma Battell Lowman for her excellent work as copy-editor.


3 De Vito and Lichtenstein, “Writing a global history of convict labour”; Christian G. De Vito and Alex Lichtenstein, Global Convict Labour (Leiden and Boston, 2015).

4 For some insightful perspectives on the concept of “borders” and “borderlands” referred to the areas considered in this chapter, see: Perla Zusman, “Entre el lugar y la línea: la constitución de las fronteras coloniales patagónicas 1780-1792”, Fronteras de la Historia, 6 (2001), 41-67; Mónica Quijada, “Repensando la frontera sur argentina: concepto, contenido, continuidades y discontinuidades de una realidad especial y étnica (siglos XVIII-XIX)”, Revista de Indias, 62, 224 (2002), 103-142; María Ximena Senator, Arqueología e Historia en la Colonia Española de Floridablanca (Buenos Aires, 2007).
I take the “long nineteenth century” – from the height of the Bourbon reform in Spanish America (1760s) to the early twentieth century – as the temporal frame of this contribution, covering both the late-colonial and the early post-colonial period. This relatively long-term perspective offers an appropriate timeframe to address the role of convict labour on the eve of the abolition of the slave trade and slavery, as well as to deal with the impact of the “great proletarian migration” from Europe on the composition of the workforce and regimes of punishment.

Throughout this contribution, a triple comparative approach is taken. First, the function of convict labour is explored comparatively within the investigated region. Next, the second half of the eighteenth century and the second half of the nineteenth century are respectively addressed, in order to highlight continuities and changes during the late colonial and the post-colonial periods. Then, in the concluding section, I draw comparisons with experiences in Latin America and beyond to make a broader point on the relevance of the study of convict labour at the crossroads of labour history and the history of punishment.

By focusing on the borderlands, the specific deployment of convicts to colonize those regions is thematized vis-à-vis their exploitation in extant colonies in other Spanish American territories. In urban centres like Havana, Santiago, Mexico City and Lima, by the second half of the nineteenth century colonization was a fait accompli and convict labour complemented or substituted the existing free and coerced workforce. The situation was different in the borderlands of Spanish America, including the Southern Cone, the Gran Chaco and Tucumán, the Floridas, Northern New Spain and Upper California. Whereas military and non-military public work and involuntary military service were the convicts’ main occupations, the overall context diverged as these vast regions remained consistently beyond comprehensive control of the colonial and post-colonial authorities for the majority of the long nineteenth century. From the perspective of the Spanish Crown, as Luíz put it, this was a “double frontier” (doble frontera): on the one hand, various Indigenous groups controlled these territories; on the other hand, foreign powers, be they competing European powers or

---

5 On Mexico City see for instance: Michael C. Scardaville, “(Hapsburg) Law and (Bourbon) Order: State Authority, Popular Unrest, and the Criminal Justice System in Bourbon Mexico City”, in Carlos A. Aguirre and Robert Buffington (eds), Reconstructing Criminality in Latin America (Wilmington, 2000), pp. 1-17.

6 María Teresa Luíz, “Relaciones fronterizas en Patagonia durante el periodo colonial tardo” (PhD, Universidad de Cadiz, 2003), p. 86.
concurrent post-colonial states, fought to hold sway. Defending the whole frontier was by no means possible, as policy-makers were fully aware. As the Viceroy of Peru, Manuel de Amat y Junient, wrote to the Secretary of State Julian de Arriaga in February 1767: “The troops and the money of the whole World are not enough to guard and fortify such vast dominions”. Colonial officials, then, had to make strategic and critical choices about where and how to colonize. They based these decisions on factors including the existence of natural and financial resources, the accessibility of settlements by land and sea, the size and type of the available workforce, and the ability to transport that workforce from other parts of the empire (and eventually beyond its borders). As I will show in this chapter, convict labour in the borderlands was part of this specific configuration of colonization and labour while simultaneously intertwining with other free and coerced labour relations in each site within the region.

**Late-colonial Presidiarios**

In order to investigate the role of convict labour in the late-colonial borderlands, I turn my focus to three areas in the Viceroyalties of Peru and Rio de la Plata: the strategic Pacific port of Valdivia; the new colony of Osorno, in the same district, and; the settlements established along the Patagonian coast.

---

7 Archivo General de Indias (henceforth AGI), Lima 1498, Amat to Arriaga, Lima 23\textsuperscript{rd} February 1767. All translations from Castillan are mine, unless differently indicated. De Arriaga’s successor, José de Galvez, repeated almost the same words when he wrote a few years later: “Building all military fortifications that are being projected as indispensable in America... would be impossible even if the King of Spain had all treasuries, armies and workshops of Europe at its disposal”. Quoted in Castillan in Juan Marchena Fernandez and Maria del Carmen Gómez Pérez, *La vida de Guarnición en las Ciudades Americanas de la Ilustración* (Madrid, 1992), p. 295.

8 The Viceroyalty of Río de la Plata was created in 1776.
At least since the 1750s the imperial and viceregal authorities viewed these areas (and the Malvinas/Falklands) as part of an integrated system, one intended to defend the Spanish dominions from (especially) British invasion and to provide effective control of the trade routes of Cape Horn and the Magellan Straits and undermine illegal commerce traditional in the region.⁹ From the late 1770s important steps were made in that direction. Although an abundant and multidisciplinary literature exists on the issue, few studies have specifically addressed it from the perspective of labour, and almost none have pointed to the presence of presidiarios – prisoners sentenced to transportation to military outposts (presidios) – as one of the components of the workforce. In this section I analyse the multiple functions played by convict labour as impacted and determined by local circumstances, multiple strategies of colonization, and the availability of other workforces.

After its early colonization in the sixteenth century and its “loss” due to the uprisings of Indigenous populations in 1598, Valdivia was repopulated by the Spaniards in 1645. Until the Independence of Chile in 1810, it remained a fundamental colonial possession for the control over the southern coast of the Spanish Pacific. However, the settlement was surrounded by a vast territory controlled by Indigenous populations whose allegiance to the Spanish Crown

---

⁹ AGI, Chile, 440, Valdivia. Informe hecho por D.n Franco Alvarado y Lerares Gov.or que fue de esta Plaza, Madrid, 20th April 1757; AGI, Lima, 1498, Amat to Arriaga, Lima, 23rd February 1767; AGI, Estado, 85, Exp. 8, O’Higgins to Alcudia, Santiago, 14th November 1793. On the long-lasting, strategic importance of the Cape Horn route, see esp. Mariano Ardash Bonialian, El Pacifico hispanoamericano. Política y comercio asiático en el Imperio Español (1680-1784) (México, 2012).
was at most very precarious, if not entirely absent. Consequently, Valdivia was a typical isolated military outpost which, unlike military outposts in open cities such as Havana or Puerto Rico, saw most of its population concentrated inside the fortifications and dependent on military functions.\textsuperscript{10}

Within this context, in the second half of the eighteenth century convicts provided the main, and often exclusive, workforce for the ever occurring and never sufficient building and repairing of military fortifications.\textsuperscript{11} Numbers fluctuated, though the general tendency was a decade by decade increase: against a total population of c. 3,000 inhabitants in 1760, 1,613 in 1773, and 1,684 in 1796\textsuperscript{12}, prisoners totalled approximately 80 in 1757,\textsuperscript{13} 320 in 1776 and 120 one year later,\textsuperscript{14} and were “abundant” on the eve of the war with revolutionary France (1793-1794).\textsuperscript{15} Their importance as workforce is signalled by the considerable efforts made to prevent escapes and effect recapture in the regions between Valdivia and, respectively, Chiloé and Concepcion.\textsuperscript{16} Moreover, when a Royal Order disposed in 1804 “the suspension of the transportation of prisoners and their replacement by wage labourers [jornaleros]”, it was met with widespread opposition from the viceroyal and local authorities and remained without application.\textsuperscript{17}

The main reason to employ presidiarios for the work of fortification was financial: their work was not remunerated and, notwithstanding the costs of transportation and maintenance, this allowed for considerable savings for the Royal Treasury. This was particularly valuable considering that the salaries of the few free, non-military settlers were extremely high – 4

\textsuperscript{10} For a useful distinction between “military outpost in open city” (plaza fuerte en ciudad abierta) and “isolated military outpost” (plaza fuerte aislada) see: Marchena Fernandez and Gómez Pérez, La Vida de Guarnición.

\textsuperscript{11} See also: AGI, Chile, 440, Testimonio de Autos sobre los reparos de la Plaza de Valdivia, d.n Joseph Antonio del Rio, Santiago de Chile, 10th April 1759; AGI, Chile, 434, Madrid 8th October 1774. Three categories of exiles were explicitly excluded from (hard) work: elite political prisoners; priests; sons of “honorable” families, sent to the presidios by their own families in order to distance them from “vice” and political disorder. See: Gabriel Guarda, La Sociedad en Chile Austral antes de la colonización alemana. Valdivia, Osorno, Rio Bueno, La Unión 1645-1850 (Santiago de Chile, 2005), pp. 42-43.

\textsuperscript{12} Gabriel Guarda, Historia Urbana del Reino de Chile (Santiago de Chile, 1978), p. 211. The fluctuation mainly depends on, first, the transfer of the military garrisons to the island of Mancera from 1760 to 1773, and the colonisation of Osorno in 1792. Between 1773 and 1792 the population grew considerably.

\textsuperscript{13} AGI, Chile, 440, Valdivia. Informe hecho por D.n Francisco Alvarado y Leruaces.

\textsuperscript{14} Guarda, La Sociedad en Chile Austral, p. 40.

\textsuperscript{15} AGI, Chile, 199, Exp. 130, O’Higgins to Negrete de la Torre, 10th January 1794.

\textsuperscript{16} See for instance: AGI, Chile, 440, Testimonio de Autos sobre los reparos de la Plaza de Valdivia, d.n Joseph Antonio del Rio, Santiago de Chile, 10th April 1759; AGI, Lima, 686, Exp. 52, Croix to Valdez, Lima, 5\textsuperscript{th} August 1785; AGI, Chile, 199, Exp. 130, Letter n. 231, O’Higgins, Santiago de Chile, 15\textsuperscript{th} Noviembre 1793.

\textsuperscript{17} Gabriel Guarda, La Sociedad en Chile Austral, p. 40.
pesos per day in 1796, against an average daily wage of 1.5 pesos in the rest of Chile.\textsuperscript{18} Other groups of coerced labourers existed in very limited numbers and were exclusively employed in domestic work: a few slaves served in the army officers’ families; and some Indigenous people were “ransomed” (rescatados) in the internal areas by officers who then employed them in their homes.\textsuperscript{19} The soldiers represented the only viable alternative to convicts, but their employment in construction work was subject to ethnic categorisation. Only those belonging to the company of free mulattoes (Compañía de Pardos) – twenty-five soldiers in 1757 – performed this activity.\textsuperscript{20} Soldiers from this company were connected with the convicts in multiple ways: they worked side-by-side; guarded them on building sites; and the company was at least partly composed of mulatto convicts whose sentences had been commuted into military service (with a three-years addition to the length of their original sentence).\textsuperscript{21}

However unique for this multiple overlapping, the relationship between the pardo soldiers and the pardo convicts was part of a broader connection between military and convict labour. This existed in other parts of Spanish America and the Spanish empire as a whole,\textsuperscript{22} but was particularly evident in the borderlands. Here convicts were sentenced to serve in the army, had their sentences commuted to army service, were forced (or allowed) to join local garrisons in order to reduce the constant shortage of soldiers,\textsuperscript{23} and were subjected to widespread forms of involuntary impressment to the army, such as the recruitment of vagrants (leva de vagos).\textsuperscript{24} Transportation to the borderland presidios was also a typical

\textsuperscript{18} Guarda, Historia Urbana, p. 197.
\textsuperscript{19} AGI, Chile, 440, Valdivia. Informe hecho por D.n Franço Alvarado y Lerales.
\textsuperscript{20} AGI, Chile, 440, Reglamento para la guarnicion de la Plaza de Valdivia, art. 36; AGI, Chile, 434, Distribución que tiene el Batallón en la Plaza y Castillos de Valdivia – Manzera, 15th October 1773, Espinosa; AGI, Chile, 434, Espinosa to Juareguí, Mancera, 29th November 1773. See also: Pedro de USAuro Martinez de Bernabé, La verdad en campaña, 1782, reprinted in Anrique R. Nicola (ed), Biblioteca Geográfico-Hidrográfica de Chile (Santiago de Chile, 1898), p. 55.
\textsuperscript{21} AGI, Chile, 434, Espinosa to Juareguí, Mancera, 29th November 1773.
\textsuperscript{22} Marchena Fernández lists nine forms of military recruitment of the troops from peninsular Spain, six of which depended on forms of punishment. See Juan Marchena Fernández, Oficiales y soldados en el ejército de America (Sevilla, 1983), pp. 296-297. And also: Gómez Pérez, El sistema defensivo americano, chapter 2.
\textsuperscript{23} See for instance: AGI, Chile, 440, Reglamento para la guarnición de la Plaza de Valdivia, y castillos de su jurisdicción: número de Cabos, Oficiales, Soldados, Artilleros, y demás Individuos de que ha de componerse: y Sueldos que han de gozar para su subsistencia – Año de 1753, art. 19.
\textsuperscript{24} On the levas de vagos see esp.: María Rosa Pérez Estévez, El problema de los vagos en la España del siglo XVIII (Madrid, 1976); María Eugenia Terrones, “Trasgresores coloniales: malentretidos y mendigos en la ciudad de México en el siglo XVIII”, Estudios, Autumn 1992, on-line publication: http://biblioteca.itam.mx/estudios/estudio/letras30/textos4/sec_1.html [accessed 2nd August 2014, as all other on-line resources]; María Fernanda García de los Arcos, Forzados y reclutas: Los criollos novohispanos en Asia (1756-1808). Ciudad de México: Poterillos Editores, 1996; Alfredo Martín García, Presidiarios y vagos en la Galicia del antiguo régimen, on-line publication:
secondary punishment for deserters (first-time and repeated) of the Spanish American garrisons; in some cases for those already transported from peninsular Spain or the North African presidios for the same reason. Further, it was a punishment reserved for soldiers who had been sentenced by military courts for nonmilitary crimes.

The exact percentage of military convicts within the garrisons in Valdivia (and elsewhere) is impossible to tell, but sources hint strongly that the rates stayed relatively high across many decades. In 1757 the ex-governor of the presidio described the troops as a “burlesque procession of scarecrows, most of them entirely naked, all of them ignorant in the Art of War, and … formed for the majority by delinquents, and sentenced criminals”.25 In 1785 the Secretary of the Indies, Gálvez, approved the migration of one hundred voluntary families from Chiloé to substitute the “forced and exiled people” (gente forzada y desterrada) that had formed the majority of the workforce in Valdivia since the 1740s.26 The transportation of the islanders, however, never took place. Understandably given this situation, the officers exhibited continuous concern about the lack of differentiation between convicts and soldiers.

In 1757, ex-governor Francisco Alvarado y Lerales called for the construction of “resistant cells” (calabozos fuertes) to segregate the forzados at night, while not employed in the construction works; furthermore, he insisted those works be the exclusive occupation of the forzados, and that soldiers be solely employed in military tasks. Both categories, however, were listed as inn-keepers (taverneros, pulperos), domestic workers and even musicians and sacristans, and segregation did not improve before the mid-1790s, when a jail was built within the military presidio.27 Convicts also continued to serve voluntarily in the local troops after their release. However, only a few of them fulfilled the ideal of the local authorities, turning from “bad delinquents” (malos Delincuentes) to “good residents” (vecinos) by “building their houses and cultivating small pieces of land (chacarillas) in the castles”.28

25 AGI, Chile, 440, Valdivia. Informe hecho por D.n Fraco Alvarado y Lerales.
26 Quoted in M.X. Urbina Carrasco, La frontera de arriba en Chile colonial. Interacción hispano-indígena en el territorio entre Valdivia y Chiloé e imaginario de sus bordes geográficos, 1600-1800 (Valparaíso, 2009), pp. 241-242.
27 Guarda, La Sociedad en Chile Austral, p. 21.
28 AGI Chile, 440, Valdivia. Informe hecho por D.n Fraco Alvarado y Lerares; AGI, Chile, 434, Espinosa to Juareguí, Mancera, 29th November 1773.
Building the military and civil infrastructures was the main task of convicts also in the event of the foundation of Osorno (1792), in the area of Valdivia, and in the new establishments along the Patagonian coast of the Atlantic (1779-1780). Differently from Valdivia, however, those colonization projects were based on state-sponsored migration of free settlers. This produced distinct compositions of the workforce and specific features in the division of labour between various groups of workers.

Following the rebellion by Indigenous peoples of 1598, inland connections between Valdivia and Chiloé were lost, resulting in a long-lasting isolation of the southern island. In the eighteenth century, recovering the territorial continuity of the Spanish dominion in southern Chile in order to strengthen its defensive system and improve trade was high on the colonial agenda. As in other parts of the empire, in the 1780s two colonisation strategies emerged, and conflicted around the relationship with Indigenous populations (the Puelches and the Pehuelches) of the area: a pacific strategy based on missionaries and diplomacy on the one hand, and military “pacification” on the other. The latter was implemented with full support from the Viceroy in Lima, Ambrosio O’Higgins, after an assault by Indigenous individuals on 24 September 1792. The successful military expedition lasted from October 1792 to January 1793 and was carried out by twenty-two soldiers, thirty-five militiamen and forty-seven presidiarios from Valdivia. In the process, the Spaniards reconquered the old colony of Osorno. Its peopling mirrored the strategy followed by the colonial authorities in North California from 1769 to 1781, namely the concentration of population from old settlements in the surrounding provinces to new colonies in the borderlands. By January 1796, 430 settlers were established in Osorno, 234 of them from Chiloé and the rest from the

---

29 This was part of a broader policy aimed to expand and secure the trade routes in Chile during the second half of the eighteenth century. Among others, the roads between Santiago and Concepción, from Santiago to Valparaíso, from Concepción to Valdivia, and from San Carlos de Chiloé to Castro were opened. See Urbina Carrasco, _La frontera de arriba_, p. 239.

30 For a broad discussion of the two strategies of colonization in Northern New Spain and in the Central and South American borderlands in the same decades, see David J. Weber, _Bárbaros. Spaniards and Their Savages in the Age of Enlightenment_ (New Haven and London, 2005), esp. chapter 4. For the case of the Chilean frontier, see esp. Urbina Carrasco, _La frontera de arriba_, pp. 243-275.

31 AGI, Lima, 686, Exp. 52, Punterla to Croix, Valdivia, 11th March 1789. In the same file, see also: Croix to Valdez, Lima, 5th August 1785, from which the reference in the text is taken.

32 AGI, Estado, 80, Exp. 2, O’Higgins to Aranda, Plaza de los Angeles, 7th January 1793.

33 AGI, Estado, 80, Exp. 2, O’Higgins to Aranda, Plaza de los Angeles, 7th January 1793.

34 AGI, Estado, 80, 1, O’Higgins to Aranda, Partido de Colchagua, 12th December 1792.

provinces of Santiago and Concepción and a small number from Valdivia. By 1800, they numbered 582, and by 1804 they were joined by some Peruvians and Europeans.

In this situation, a division of labour was enforced. Approximately one hundred and thirty soldiers garrisoned the fort of San Luis within the settlement, and the fort of San José de Alcudía, some fifty kilometres to the north. Presidiarios transported from Valdivia built the majority of the military and non-military infrastructure, “a considerable part of the ranches” and most of the straw huts where the first settlers were provisionally accommodated. The latter subsequently built their own houses, but their main task was agricultural work, for which they had been selected in their places of origin. The abolition of the encomienda in Chile in 1791, and a general mistrust of Indigenous people after the rebellion of 1792, caused their scarce participation in the reconstruction process. However, following official agreements, they committed themselves to the repair of the road system, which underwent considerable expansion in the following decade.

Within the broader colonial strategy, the occupation of the region between Valdivia and Chiloé was instrumental to the opening of “roads and communication with our colonies on the opposite coast of Patagonia, and the provinces of Rio de la Plata, beyond the mountains”. In turn, the colonization of coastal Patagonia responded to the same geopolitical criteria of defence against internal and external enemies, and economic development. It included the foundation of four settlements along a coastline of more than 1200 km: Fuerte Nuestra Señora del Carmen (1779-) on the bank of the Rio Negro; Fuerte San José and Puesto de la Fuente (1779-1810) in the Valdés peninsula; the castles of Todos

---

36 AGI, Estado, 85, Exp. 30, O’Higgins to the Principe de la Paz, Osorno, 15th January 1796. The negative impact of the colonization of Osorno for the population of Valdivia had been anticipated by governor Punterla in 1789: AGI, Lima, 686, Exp. 52, Punterla to Croix, Valdivia, 11th March 1789. See also Urbina Carrasco, La frontera de arriba, pp. 310-314.

37 Urbina Carrasco, La frontera de arriba, pp. 309-314.

38 AGI, Estado, 85, n.8, Ugarte, Santiago de Chile, 9th November 1793.

39 AGI, Estado, 85, Exp. 8, O’Higgins to Alcudia, Santiago de Chile, 14th November 1793.

40 A Royal Order on 1st August 1783 intimated the closure of all establishments but the former. However, the subsidiary colony in San José was maintained until 1810, when an uprising completely destroyed it. Puerto Deseado was used in the winter of 1780 as a temporary settlement on the way to San Julián. From 1789 to 1807 it was reopened in connection with the (largely unsuccessful) activities of the Real Compañía Marítima for the exploitation of the sea resources (esp. whales and sea dogs). For some information on this later phase see AGI, Estado, 80, Exp. 3, Arredondo to Alcudia, Buenos Aires, 29th August 1793.
los Santos and San Carlos in Puerto Deseado (1780-1781); and Nueva Colonia y Fuerte de Floridablanca (1780-1784) in San Julián.41

Whereas in Osorno the settlers came from relatively nearby provinces, the 250 *pobladores* of the Patagonian colonies42 originated in the north-western provinces of peninsular Spain (Castilla-León, Asturias and Galicia).43 However, a similar division of labour emerged between the different groups, as it is shown by the following table elaborated by María Ximena Senatore from the data on Floridablanca:44

<table>
<thead>
<tr>
<th>Social groups</th>
<th>30.10.1780</th>
<th>1.10.1781</th>
<th>31.1.1782</th>
<th>10.5.1782</th>
<th>15.4.1783</th>
</tr>
</thead>
<tbody>
<tr>
<td>Settlers (colonos)</td>
<td>74</td>
<td>56</td>
<td>68</td>
<td>56</td>
<td>50</td>
</tr>
<tr>
<td>Top officers (Plana mayor)</td>
<td>9</td>
<td>9</td>
<td>10</td>
<td>10</td>
<td>9</td>
</tr>
<tr>
<td>Troops (tropa)</td>
<td>28</td>
<td>18</td>
<td>46</td>
<td>44</td>
<td>39</td>
</tr>
<tr>
<td>Artisans (maestranza)</td>
<td>12</td>
<td>9</td>
<td>13</td>
<td>9</td>
<td>11</td>
</tr>
<tr>
<td>Convicts (presidiarios)</td>
<td>28</td>
<td>24</td>
<td>22</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>Total</td>
<td>151</td>
<td>116</td>
<td>130</td>
<td>123</td>
<td>122</td>
</tr>
<tr>
<td>Crews (tripulaciones)</td>
<td>15</td>
<td>15</td>
<td>13</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>166</td>
<td>131</td>
<td>143</td>
<td>123</td>
<td>122</td>
</tr>
</tbody>
</table>

---


42 Luiz, *Relaciones fronterizas*, pp. 95-96. Following the Royal Order of 24th March 1778, eleven contingents were shipped from the peninsular port of La Coruña to Montevideo by 1784, including a total of 1,921 individuals (432 families and 81 individuals) from the north-western regions of Castilla-León, Asturias and Galicia. Due to a series of complications, only 250 settlers actually reached the Patagonian coast, the rest being transferred to the settlements along the borders with colonial Brazil and to those that defended the southern border of Buenos Aires from hostile Indigenous populations.


A clear distinction was made between the peninsular settlers (pobladores) and the rest of the population. The pobladores were especially selected among “Spanish families… well trained in farming” and at their destinations – conceived as agricultural colonies – they were given seeds, cattle and other assistance in order to work the fields that were assigned to them. Their contracts did not allow them to leave the colonies without official authorization and their dwellings were spatially separated (and architectonically differentiated) from those of the other inhabitants. Conversely, the rest of the population was subject to multiple systems of replacement (relevo) that made their presence in the colonies temporary, although some of them (including ex-convicts) were given the option to stay. Their priority was to perform non-agricultural tasks, be they connected with the administration (Commissar superintendent and Meter), religion (chaplains), defence (officers and troops), or the building of infrastructure (skilled and unskilled non-agricultural workers).

The convicts’ main tasks included cutting and transporting wood, bringing water, moving building materials, preparing the clay and making adobe, tiles and bricks. Their presence in Floridablanca and in Nuestra Señora del Carmen was especially connected to the building of military and non-military infrastructure, and their numbers fluctuated according to the needs of that sector. As the table above shows, in Floridablanca they were numerous in the early period (January 1780 - January 1782), when the fort, the hospital, the church, some workshops and the first houses for the pobladores were built; convict numbers diminished when those works were completed, and then rose again in 1783, when the construction of new houses was begun. In a few cases, the same presidiarios took part in the initial phase of the colony, were transported to Montevideo in mid-1782 and sailed back to Floridablanca the following year. Similar patterns occurred in the establishment of the Río Negro, where the

45 From Royal Order 22 June 1778, quoted in Senatore, Arqueología e Historia, 185. In the same volume, see also chapter 8.
46 On Floridablanca: Senatore, Arqueología e Historia, 121. On the Fuerte del Carmen see for instance Casamueva, Inmigrantes tempranos. In this colony, the division between the peninsular settlers and the rest of the workers became clear when the former protested against their conditions and the delay in the building of their houses. In that occasion, they complained that they were been treated “worse than the presidiarios”, see: De Cristóforis, Proa al Plata, p. 88.
47 Senatore, Arqueología e Historia, p. 149.
48 On the presence of convicts in the establishments of the Valdés Peninsula, see Buscaglia et al., “Arqueología histórica en Península Valdés”, p. 51.
49 The decrease in the number of presidiarios, however, was accentuated by the effect of the Royal pardon conceded in the wake of the birth of the Infante Don Carlos Rodrigo Eusebio. The order, communicated in May 1781, pardoned half of the time to convicts with good behaviour. It was applied both in Floridablanca and in Nuestra Señora del Carmen. Fourteen convicts left the former establishment for this reason. See: Senatore, Arqueología e Historia, pp. 148-149.
need for convict labour was felt especially in the early 1780s and then again when thirty-six settler dwellings were built between 1798 and 1805.\textsuperscript{50}

The convicts were not the only ones employed in building activities. A peculiar fluidity existed among the groups involved in this sector, and in the categories used to define them.\textsuperscript{51}

In the official records on San Julián, rather than appearing under the heading “presidiarios”, skilled convicts such as the convict-carpenter (\textit{presidiario carpintero}) Juan Antonio Aispurúa were listed among the armourers (\textit{maestranza}) together with other carpenters, construction workers (\textit{albañiles}) and unskilled labourers (\textit{peones}). Similarly, José Trigo, a convict who worked as baker, was included in the list of the \textit{pobladores} in January 1782.\textsuperscript{52} Moreover, categories and subcategories were not consistent through time: while distinctions were drawn in the report dated 1 October 1781 between the \textit{presidiarios} and the \textit{maestranza}, the lists dated 1 January and 10 May 1782 classified carpenters, \textit{peones}, \textit{presidiarios}, stablemen and blacksmiths under the common category of “operarios” (workers). The term “peones” underwent similar shifts: at times it referred to non-convict unskilled workers, but in other cases the formula “peones-presidiarios” was used to indicate those “presidiarios who turned into peones in Patagonia”.\textsuperscript{53} Furthermore, in the records on the establishment of the Río Negro, \textit{peones} indicated the whole group of unskilled workers, including unskilled convict labourers. The same records also provide a glimpse of the complex ethnic composition of the \textit{peones}, which included Indigenous workers from various regions.\textsuperscript{54}

The information on the crimes for which convicts were sentenced also reveals a distinct feature. Whereas in Valdivia military convicts were listed as members of the troops, in the records of Floridablanca and \textit{Nuestra Señora del Carmen} they were referred to as \textit{presidiarios} – a difference that can be traced back to the greater focus on work in the Patagonian settlements compared to the stress on defence in the military outpost of the

\textsuperscript{50} D.N. Martinez de Gorla, “El primer asentamiento de colonos en el Río Negro en Patagonía”, \textit{Temas Americanistas}, 6, 1986, p. 50.

\textsuperscript{51} The considerations that follow are based on the records held in the Archivo General de la Nación (Buenos Aires), and reproduced in the appendix of Senatore, \textit{Arqueología e Historia}, 294-310. I expand here the method followed by the author in the fourth chapter of the volume, by applying it to the building workers and more specifically to the \textit{presidiarios}.

\textsuperscript{52} Senatore, \textit{Arqueología e Historia}, p. 148, footnote 472. This convict died in Floridablanca in August 1781.

\textsuperscript{53} Senatore, \textit{Arqueología e Historia}, pp. 114 and 160.

\textsuperscript{54} See esp. AGI, Buenos Aires, 327, Diary of Francisco de Viedma, Fuerte del Carmen, 7\textsuperscript{th} January 1781. Among others “Peones Paraguais” and a “Peon Yndio llamado Martin” are mentioned.
Pacific coast. Deserters of various garrisons and other militaries sentenced for non-military crimes actually made up the majority of those listed as “convicts” in Patagonia.\footnote{Senatore, Arqueología e Historia, pp. 148-151. The author indicates on p. 151, footnote 495 that the kind of crimes were comparable in the establishment of the Río Negro, although sentences tended to be shorter in the latter (up to 2 years instead of 6-10 years). On presidio as a destination for sentenced soldiers of the garrisons of Montevideo before the colonization of Patagonia, see for instance: AGI, Buenos Aires, 525, Claudio Macé to Julian de Arriaga, Montevideo, 22nd November 1769.}

The flexibility of official categories can be interpreted as a trace of the degree of fluidity that existed in the everyday relationships between different types of workers in the Patagonian colonies. For example, the records of the colony in Río Negro describe a soldier and a convict coming back together from a diplomatic mission to a Cacique;\footnote{AGI, Buenos Aires, 327, Diary of Francisco de Viedma, Fuerte de l'Carmen, 7th January 1781.} they tell of a presidiario and a peon dispatched in search of some lost inhabitants of the settlement,\footnote{AGI, Buenos Aires, 327, Viedma to Galvez, Fuerte del Carmen, 24th December 1781.} and of a similar couple deserting;\footnote{AGI, Buenos Aires, 327, Viedma to Galvez, Fuerte del Carmen, 19th August 1781.} and, they even mention the case of convict Nicolas Cardoso, who guided an expedition along a path he had discovered during his previous desertion.\footnote{AGI, Buenos Aires, 327, Sobremonte to Viedma and Vertiz, Fuerte de Nuestra Señora del Carmen, 1st March 1780.} For Floridablanca, Senatore has also reported three cases of convict social mobility as demonstrated by movement between categories – in one case beginning as a presidiario, later mentioned as a peon, then after liberation, as a servant (criado) – and also by their construction of their own dwellings outside the fort.\footnote{Senatore, Arqueología e Historia, p. 151.}

**Post-colonial Convicts**

The Independence of Latin America did not engender any straightforward improvement of state control in the borderlands. Indeed, in some situations the opposite was true. Territories such as Valdivia and the surrounding provinces that had played a strategic role in the colonial period, became abandoned peripheries during the first post-colonial decades.\footnote{Guarda, La sociedad en Chile Austral, p. 66.} During the nineteenth century, the borderlands of Latin America also continued to function as a “double frontier”: on the one hand, Indigenous populations still controlled vast parts of the continent, as was the case of Araucanía, Patagonia and the Chaco; on the other hand, the danger of external invasion persisted, not only in the form of foreign imperialism (as in the Mexican-US border), but also in the context of the repeated conflicts between the new post-colonial
states. As far as convict labour is concerned, this situation resulted in a striking continuity of its exploitation and function for most of the nineteenth century, some institutional changes notwithstanding. It is possible to distinguish two aspects here: first, the persistence of the link between convict labour and military labour; second, the position of convict labour at the crossroads of multiple forms of punishment, and particularly between prisons and penal colonies.

As Mónica Quijada has written, “[i]n the mid-nineteenth century, between the North of Mexico and the Tierra del Fuego, thousands of square kilometers (around half of the Spanish American territory) existed where the control of central states did not extend, and which were inhabited by unconquered native populations”. At the same time, recruitment in the armies and militias of the new Republics continued to be based on involuntary impressment at least as much as on voluntary service. Within the extended literature on Latin American military history, studies on the social composition of the army do not abound. Yet, enough information exists to contend that convicts and individuals apprehended for vagrancy were part of the coerced component of the troops, together with slaves and Indigenous people.

Military justice also continued to be a major instrument for the relocation of soldiers to the borderlands as punishment for the ubiquitous desertions and other crimes.

By means of impressment and military sentences, military convicts participated in conflicts such as the “War of the Triple Alliance” (1864-1870) between Paraguay and the alliance of Argentina, Brazil and Uruguay, and the “Pacific War” (1879-1880) between Chile and the coalition of Peru and Bolivia. Moreover, they garrisoned the fort lines that were established in North-western Patagonia and in the Pampa and took part in the Conquista del Desierto

64 For the coerced involvement of convicts in the military conflicts of the first half of the nineteenth century: Ricardo D. Salvatore, “The Crimes of Poor Paysanos in Midnineteenth-Century Buenos Aires”, in Aguirre and Buffington, Reconstructing Criminality in Latin America, esp. pp. 70-73.
65 Facundo Gómez Romero, Se presume culpable. Una arqueología de gauchos, fortines y tecnologías de poder en las Pampas Argentinas del siglo XIX (Buenos Aires, 2007); Lorena Barbuto, “Estado nación, frontera y milicias: de avances y resistencias. Córdoba 1860-1870”, Memoria americana, 17, 2 (July-December 2009), on-
(Conquest of the Desert), the joint operation of the Chilean and Argentinean armies that marked the end of the centuries-long autonomy of the Mapuche populations in the area. As military conquest turned the “internal frontier” (frontera interior) into administrative provinces of the respective nation states, military convicts were also part of the “civilizing contribution” of the armies of Chile and Argentina in Patagonia and Araucanía: they built canals, bridges, roads, railroads, and new urban centres.

Non-military convicts also continued to be transported to the borderlands as a form of punishment and a resource for colonization. In some cases, like in Carmen de Patagones, and Valdivia in the aftermath of the Chilean independence, they were still sent to military presidios. More often, the exploitation of convict labour now took place within the frame of purely penal institutions, rather than in military contexts with mixed populations. This transformation is mirrored in the semantic shift of the word presidio itself: from military outpost to penal institution. This significant institutional change notwithstanding, extramural work remained the rule, and labour imperatives and the priority of internal colonization remained central in determining a characteristic fluidity among various types of punishment.


69 The growing separation between military and penal institutions, however, did not prevent prison and penal colonies from remaining strongly connected with the military as far as internal organization and personnel were concerned; moreover, convicts and military convicts were often hosted in the same institutions.
In Chile in the 1810s and 1820s, prisoners were transported to the Juan Fernández Islands some seven hundred kilometres from Valparaíso that had been a military *presidio* and a destination for convict transportation since the 1760s.\(^70\) The revolts that took place there in 1831, 1834 and 1835 accelerated the closure of the penal colony and the establishment of a peculiar institution: the “mobile prisons” (*presidios ambulantes*).\(^71\) In the words of a contemporary, these consisted of “iron cages mounted on wheels”, in which “the most dangerous criminals were locked up and transported to any convenient destination in order to be employed in opening and repairing roads and other works of public utility”.\(^72\) Prisoners fluctuating in numbers from 121 in 1841 to 220 in 1844, sentenced to crimes ranging from bigamy and sodomy to murder and “participation in revolutionary actions”, were transported to nine provinces between Santiago and Concepción, “tied by two with chains held by a strong iron ring attached to one leg”. Desertions of both prisoners and guards occurred constantly, and the institution was strongly criticized. In 1843 the decision was made to abolish the mobile prisons. All convicts of the “*Carros*” (Carts) were subsequently

---

\(^70\) See for instance, British Library Ms. 13976 (Papeles varios de Indias), Islas Juan Fernandez, 1797. On the nineteenth century, see esp. B. Vicuña MacKenna, *Juan Fernández. Historia verdadera de la isla de Robinson Crusoe* (Santiago de Chile, 1893).

\(^71\) Quoted in Marco Antonio León León, “Entre el espectáculo y el escarmiento: el presidioambulante en Chile (1836-1847)”, *Mapocho*, 43 (first semester 1998), pp. 183-209.

\(^72\) León León, “Entre el espectáculo y el escarmiento”, p. 187. Successive references in the text are respectively on pp. 200 and 187.
transferred to the *Penitenciaria de Santiago*, the newly established penitentiary where they were subject to compulsory labour in the workshops *inside* the institution.\(^{73}\)

The linearity of the transformation as described so far might be misleading. In 1842 the possibility of transporting convicts to the island of Mocha and the archipelago of Chiloé was seriously considered by Manuel Montt, Minister of Justice and leading penal reformer.\(^{74}\)

More generally, the farther from the capital Santiago, the more the penitentiary model seemed in need of substantial modification, or was rejected altogether. The need to exploit the convict workforce for public work and colonization was the driving force for the search of alternatives to cellular imprisonment.

In the rural prisons between Santiago and Concepción, even after the abolition of the *presidios ambulantes*, convict labour was “the core-business of punishment”. In Rancagua, Curicó and Talcahuano, the same witness as quoted above about the *Presidios ambulantes* observed that prisoners “go to work, escorted by the governor, and occupy themselves with repairing or paving the roads… or are employed more generally in the public work in the town. Inside the prison there is no work for any class of prisoners”.\(^{75}\)

In the southern borderlands of Chile, a penal colony was established in the region of Magallanes, in order to affirm its national belonging and to provide the workforce to build its basic infrastructure. Starting in 1843, *presidiarios* were transported to the military garrison of Fuerte Bulnes, which became the penal colony of Punta Arenas in 1863 and was transformed in 1877 into a territory of mixed colonization after the “revolt of the artillermen” (*Motín de los artilleros*). Even afterward, convicts and military prisoners continued to be sent there, and constituted “the main workforce of the colony”, being employed in “repairing roads, constructing state buildings, wood cutting, looking after the cattle, enclosing land, carpentry, forging, farming, loading and unloading supplies and coal from the ships”.\(^{76}\)

From the 1880s to the early 1930s the Chilean government also repeatedly sought to establish a new penal colony in the Tierra del Fuego where convicts could both serve their time and make themselves “useful for the

\(^{73}\) Other penitentiaries opened in the 1880s in Curicó and Talca. For more information on the penitentiary in Chile, see esp.: Marco Antonio León León, *Encierro y corrección. La configuración de un sistema de prisiones en Chile (1800-1911)*, (Santiago, 2003), vol. 3.

\(^{74}\) León León, “Entre el espectáculo y el escarmiento”, p. 192.

\(^{75}\) Quoted in Marcos Fernández Labbé, “Relatos de precariedad y encierro. La cárcel rural en el Chile de la segunda mitad del siglo XIX”, *Contribuciones científicas y tecnológicas*, 26, 118 (July 1998), p. 62.

\(^{76}\) León León, Encierro y corrección, vol. 3, p. 738.
mankind”, an ideal that many Chilean decision-makers and reformers did not see realized in the overcrowded cells and in the insufficient workshops of the penitentiary of Santiago.

In Argentina, the institutional background for convict labour was somewhat different, but its essence did not change. The Penitenciaria Nacional opened in Buenos Aires in 1876 following US and Western European models, but the Penal Code passed eleven years later included *presidio* sentence, a form of punishment consisting of the transportation of convicts to far-away prisons and in their obligation to undertake extramural work. A decree passed in 1896 instituted a prison for two-time recidivists in Ushuaia, close to Cape Horn. In the first years, despite director Muratigia’s attempts to differentiate prisoners by their crimes and to occupy them in the prison workshops, the demand for convict labour outside the institution forced him to opt for “a labour system based on crews working in the open with limited supervision”. In this way, the prisoners of the “Penal de Ushuaia”, as it was known, not only built the new penal institution, begun in 1902, but also contributed to the development of the free settlement by providing the lumber and stones for the settlers’ houses and some “modern” infrastructure, such as “electric lights, well-constructed streets, sidewalks, water and sewage facilities, a harbour, etc.”. Parallel to the creation of the Penal de Ushuaia, the convicts kept in the prison on the island of Martín García, near Buenos Aires, were transferred in 1893 to the Patagonian *presidios* under military jurisdiction, first in Puerto Deseado and then toward to the South, in Puerto de Santa Cruz. Here, approximately one hundred prisoners, eight officers with their families and sixty-four individuals among them soldiers and artisans (*maestranza*) settled until they were transferred again to a new penal establishment in the Isla de los Estados (Island of the States), close to Ushuaia. The two institutions merged in 1911, forming the *Presidio Militar and Cárcel de Reincidentes* (Military Outpost and Prison for Repeated Offenders).

---

77 Governor Francisco Sampaio, quoted in León León, Encierro y corrección, p. 734.
79 For this, and the following information, see especially: Navas, “La construcción de soberanía”.
80 On the Ushuaia Penal, see Ricardo D. Salvatore and Carlos Aguirre, “Colonies of settlement or places of banishment and torment? Penal colonies and convict labour in Latin America, c. 1800-1940”, in De Vito and Lichtenstein, Global Convict Labour, pp. 273-311.
81 Salvatore and Aguirre, “Colonies of settlement”.
82 Salvatore and Aguirre, “Colonies of settlement”.

The scramble for Patagonia, the Magallanes and the Tierra del Fuego in the last decades of the nineteenth century depended on the conflict between Chile and Argentina over the borders across those regions. In the second half of the nineteenth century, convict transportation proved an important, albeit not always successful, part of the strategy to control and develop those areas. In this context, labour priorities largely superseded penal imperatives, notwithstanding the institutional shift from military presidios to penal colonies. However, in Patagonia, the Magallanes and the Tierra del Fuego and beyond, between the last decades of the nineteenth and beginning of the twentieth centuries, a series of distinct but entangled processes gradually transformed the context. Treaties were signed that contributed to stabilising the borders. The borderlands were gradually integrated into the national territories, first by means of military conquest, then through growing networks of railroads, roads, telecommunication, and the related creation of new urban centres. The geo-political importance of various areas also changed, as was the case when the Panama Canal opened in 1914, profoundly affecting the regions along the Cape Horn route. Military reform aimed at professionalization and compulsory military service, based on the Prussian model, was implemented slowly and with different timing in various Latin American states, bringing an end to selective impressment into the army of marginal groups, including prisoners and vagrants. The availability of labour and the composition of the workforce were also dramatically transformed by the fact that around one-fifth of the 50-55 million-strong European “proletarian mass migration” reached Latin America starting from 1850, with a peak between 1885 and 1914. The diffused nature of that migration was at least as important as those impressive numbers, for it meant that, among many other places, Germans

83 For Chile and Argentina, see Navas, “La construcción de soberanía”, pp. 42-43.
reached Valdivia, Swiss set up home in Osorno, Italians settled in San Julián, and Dalmatians established themselves in Punta Arenas.\(^87\)

The impact on convict labour was determined not only by the international *engagement* of penal reformers, but more significantly by the combined influence of the socio-political shifts discussed above, and their consequences on the function and kind of penal institutions in the region. In August 1907, the new prison of Punta Arenas was inaugurated and hailed as an appropriate penal establishment for the “capital of Patagonia”.\(^88\) Across the border, by the mid-1910s – as Salvatore and Aguirre have argued – in the Penal de Ushuaia “it was obvious that the original project of ‘penal colonization’ had been abandoned in favor of a standard penitentiary”.\(^89\) Besides a radial architectural design and individual cells, the penitentiary now had an elementary school and several workshops *inside* its walls. Similarly, the prison established in 1895 in Río Gallegos, on the Patagonian coast, functioned as a penitentiary from its inception, with convicts attending religious services and elementary school.\(^90\)

Intramural compulsory work was assigned a rehabilitative function and the prison itself was conceived as an agent of state power in the national periphery. More importantly, like the Penitenciaria Nacional in Buenos Aires, it provided a “space of forced socialization” for the “argentinisation” (*argentinización*) of its multinational population – Germans, French, Italians, British, and Yugoslavs.

**Comparative Perspectives**

The study of convict labour lies at the crossroads of labour history and the history of punishment. However, in both sub-disciplines convict labour has been traditionally marginalized because of a double teleology: first, the focus on “free” wage labour has dominated labour (and migration) history, conflating wage labour with capitalism and modernity, and, by contrast, coerced labour with pre-capitalism and pre-modernity; second, in the history of punishment, the quest for the “birth of the prison” has played a similar role,  


\(^{88}\) Quoted in León León, *Encierro y corrección*, p. 742.  

\(^{89}\) Salvatore and Aguirre, “Colonies of settlement”.  

\(^{90}\) Navas, “La construcción de soberanía”, p. 96.
sketching an alleged shift to the “modernity” of the penitentiary.\textsuperscript{91} The two discourses have also reinforced each other, producing a deterministic narrative of the penitentiary as an instrument for the formation of wage labourers and for factory discipline.\textsuperscript{92} Both of these interpretations should be reversed. Building on the evidence presented so far, it is possible to highlight the opportunity offered by the study of convict labour for the study of punishment and labour in the long nineteenth century.

The diachronic perspective proposed in the previous sections of this chapter offers insights for the history of punishment in the long nineteenth century. As I have observed, the main institutional change that occurred during this period consisted of the shift from military settings with mixed populations including convicts, to prisoners-only penal institutions. This corresponded to a broader transformation that took place in virtually all Western empires and which Anderson and Maxwell-Stewart describe as a shift “away from the assimilation of convicts into larger labour streams, towards the establishment of discrete, isolated, penal colonies”.\textsuperscript{93} In the case of Spanish America this took the form of a transition from military \textit{presidios} to penal \textit{presidios}, on the one hand, and penal colonies, on the other. However, this institutional change did not imply a linear shift to the penitentiary model based on isolation and intramural work. Labour needs and labour relations outside penal institutions formed the key factor that shaped their internal organization and the differentiation of convicts. The differentiation of prisoners by crime, sentence and conduct, that constituted the essence of nineteenth-century penal reform, was not implemented. At least until the end of the nineteenth century, extramural convict labour was the core-business of the penal systems in the southern borderlands, and across the whole of Spanish America.


\textsuperscript{93} Anderson and Maxwell-Stewart, “Convict Labour and the Western Empires”, 111.
Global labour history provides a broad theoretical framework to analyse the role of convict labour in the process of labour commodification.\[^{94}\] In particular, the approach proposed by Marcel van der Linden in *Workers of the World*[\[^{95}\]](Leiden and Boston, 2008) allows us to address the way the labour power of the convicts was commodified by the authorities under whose penal and/or administrative control they were held.\[^{96}\] This classification also stresses the connections and entanglements between various free and unfree labour relations, within a broader model that views transformations in labour relations not as linear shift towards “free” wage labour but – as Robert J. Steinfeld put it – as “a story of one set of historical practices with one mix of kinds of freedom and unfreedom for laboring people replacing another set of historical practices with a different mix of kinds of freedom and unfreedom”.\[^{97}\]

The empirical research presented above arguably reinforces this interpretation. By way of a double narrative across space (between various contexts in the borderlands) and time (eighteenth and nineteenth centuries) I have sought to investigate various ways by which convict labour interacted with other free and coerced labour, and with broader shifts in labour relations. In particular, four aspects and types of interaction with convict labour can be identified: military labour; Indigenous labour; wage labour, and; slavery and abolition.

First, similarly to the Portuguese Empire,\[^{98}\] military labour in Spanish America represented a field where free and coerced labour relations coexisted as a consequence of the combination of various types of voluntary and forced recruitment. The following table shows the various ways convicts (in red) were impressed into the military, and how they were integral to a continuum of recruitment forms ideally ranging from “freedom” to “unfreedom”. Furthermore, it visualizes the dividing line between military and non-military convicts, while


\[^{95}\] Linden, van der, *Workers of the World*, especially chapter two, and particularly pp. 18-20 and 34.

\[^{96}\] For an extended presentation of the conceptualization of convict labour proposed here, see De Vito and Lichtenstein, “Writing a history of global convict labour”, pp. 287-294.


at the same time evidencing the multiple ways that border was crossed, e.g. by the commutation of penal sentence to military service and by the impressment of ex-convicts.

This view of military labour integrates the picture sketched by Ulbe Bosma on the role of European colonial soldiers in the nineteenth-century “white global migration and patterns of colonial settlements”. By exploring the recruitment practices and the actual composition of the troops, it points to the role played by convicts within them; and by shedding light on the presence of military convicts, it invites us to go beyond the clear-cut separation between convicts and soldiers as agents of colonization embraced by the author. In a diachronic perspective, the evidence presented in this chapter suggests that the argument made by Peter M. Beattie on the long-term role of the Brazilian army as “a semi-coercive labor system and a quasi-penal institution” can be expanded (at least) to the southern borderlands of Spanish America. In fact, the persistent presence of military convicts among the post-colonial

---


100 Peter M. Beattie, “Transforming Enlisted Army Service in Brazil, 1864-1940: Penal Servitude versus Conscription and Changing Conceptions of Honor, Race and Nation” (PhD, University of Miami, Coral Gables, Florida, 1994), p. 2. A radically revised version was published as Peter M. Beattie, *The Tribute of Blood. Army, Honor, Race, and Nation in Brazil, 1864-1945* (Durham and London, 2001). On p. 12 the author states that the army was “the central institution in Brazil’s fledging penal justice system in the late 1800s”.

23
troops points to the continuity of military impressment until, and beyond, the implementation of European-modelled military reform. The long-term view also permits the integration of Latin America into the far-reaching comparative history of labour relations in the military proposed in a recent volume edited by Erik-Jan Zürcher.\textsuperscript{101}

The second aspect regards the interaction of convict labour with that of Indigenous people. The presence of large Indigenous populations in the borderlands was the key factor here. The complex relationships between Spaniards and Indigenous peoples shifted over time and place, and determined access to Indigenous workforces, and influenced the (voluntary and/or coerced) forms by which their labour was secured. Within this picture, convicts sometimes complemented the scarcely available labour of “ransomed” Indigenous individuals, like in Valdivia, while in other cases they joined the labour of Indigenous peones in contexts of fluid relations among unskilled workers, like in Nuestra Señora del Carmen and in Floridablanca.

Third, the long-term study of the Patagonian colonies highlights the ambiguous connection between convict labour and wage labour. On the one hand, the state-sponsored migration of labourers from the Spanish peninsula in the late eighteenth century created a relationship of complementarity in the context of the division of labour between agricultural and non-agricultural workers. On the other hand, the “great proletarian migration” of the second half of the following century contributed to an overall transformation of the spatiality and organization of labour, and in the long-term superseded extramural convict labour, or made it superfluous.

The fourth aspect implicitly follows from the previous section of this chapter and relates to the absence of chattel slavery in the southern borderlands of colonial and post-colonial Spanish America during the long nineteenth century, with the exception of a few individual slaves occupied in domestic work. Accordingly, the process of abolition of chattel slavery had virtually no impact in the region. One consequence here is that the criminal system did not play any coercive function vis-á-vis the emancipated workforce, contrary to the case of the post-Civil War period in the US South.\textsuperscript{102} Indeed, this suggests the need to

\textsuperscript{101} Erik-Jan Zürcher (ed), \textit{Fighting for a Living. A Comparative History of Military Labour 1500-2000} (Amsterdam, 2013). The volume spans the globe, but no chapter is dedicated to South America and the Caribbean.

\textsuperscript{102} Key works on convict labour in the US South after the Civil War include: Alex Lichtenstein, \textit{Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South} (New York, 1996); David M.
“provincialize” the standard US narrative of convict labour in the study of convict labour more broadly and, paraphrasing the intervention of Juliane Schiel and Stefan Hanß, to conceptualize convict labour as a “context-related social relationship”:\textsuperscript{103} convicts may have performed similar tasks across various sites, but the \textit{function} of their work can only be understood by studying its entanglements with other labour relations within specific contexts.

What made convict labour attractive in the midst of multiple available labour relations? In their recent global survey on convict transportation Anderson and Maxwell-Stewart indicated the flexibility of convict labour, which “provided a means of securing a cheap, controllable and easily replaceable form of labour” that “could be forced to go to places where free labourers would not settle”.\textsuperscript{104} Convict labour was less expensive than other workforces, either in relative or absolute terms. Even including the costs for their transportation, maintenance, housing, supervision, and the eventual salaries and incentives, the investment required to secure convict labour generally remained lower than that needed for slaves, coolies, state-sponsored migrants, or wage labourers.\textsuperscript{105} Moreover, under certain circumstances, alternative workforces might be simply non-existent, as was frequently the case in the borderlands.

During the long nineteenth-century, convict labour was constructed at the crossroads of punitive practices and labour needs, at the intersection of utilitarian ideas of punishment, on the one hand, and regenerative and retributive conceptualizations of labour, on the other. In the southern borderlands, prisoners were mostly employed in the military and in the construction of military and non-military infrastructures, although at times, as in Valdivia, they were also occupied in the domestic and service sectors. Conversely, in the colonial period agricultural work remained largely marginal, or completely absent, among the convicts’ activities. Especially in the borderlands, this points to the nature of the Spanish (and

---


Portuguese)\textsuperscript{106} system of colonization that developed in territories with large Indigenous populations and under limited colonial control. In that context, purely penal colonization like that developed by the British in Australia was not feasible, and penal transportation occurred within a broader military environment. The presidios to which the convicts were transported were first and foremost military outposts largely dependent on the Royal Treasury and based on the constant replacement of the garrisons, rather than financially autonomous establishments with stable settler populations. Fundamentally linked to military labour and defence priorities, convicts were not viewed as settlers, but rather as a provisional and mobile unskilled workforce to be used in various territories according to labour needs.

From the evidence it is clear that, under certain circumstances, soldiers remained as agricultural settlers, and so did convicts and military prisoners; moreover, as observed for colonial Valdivia, local officers sometimes aspired to transform the ex-convicts into small farmers and settlers. However, these cases were rare, for the Spanish colonial legislation, similar to the Portuguese and different to the British and French,\textsuperscript{107} allowed convicts to leave after serving their sentences. The majority of prisoners made use of this option or, if they chose or were forced to stay, they (temporarily) became soldiers rather than farmers. This model was integrated in the new colonies that were established at the end of the eighteenth century. As in the cases of Osorno and Patagonia, the clear-cut differentiation between the long-term pobladores and the rest of the population subjected to the replacement system was based on a division of labour between agricultural and non-agricultural activities. Almost without exception, convicts were included in the second group.

After Independence, Mexico implemented convict transportation for agricultural labour in Yucatan, the Valle Nacional (Oaxaca) and Quintana Roo.\textsuperscript{108} However, in other regions convict-only agricultural settlements such as those designed by the Australian Agricultural Company in the 1820s\textsuperscript{109} were rare. In sites where penal colonies amounted to little more than “dumping grounds”,\textsuperscript{110} such as the Juan Fernandez and the Galapagos Islands, convicts

\textsuperscript{106}Coates, Convict Labor in the Portuguese Empire, p. 125.
\textsuperscript{107}Coates, Convict Labor in the Portuguese Empire, p. 125.
\textsuperscript{108}Salvatore and Aguirre, “Colonies of settlement”.
\textsuperscript{109}Perkins, “Convict Labour and the Australian Agricultural Company”.
\textsuperscript{110}Salvatore and Aguirre, “Colonies of settlement”. On the Galapagos Islands see esp. Blanca Castillo et al. Desde las islas encantadas. Historias de vida de colonos en Galápagos, edited by Pablo Ospina (Quito, 2005); Antonio Constante Ortega, Basalto. Etapa de terror y lágrimas durante la colonial penal en Isabela (Memorias de un Colono de Galápagos (Guayaquil, 2006).
did of course perform all kind of work, including cultivation. But relatively well-planned penal colonies like Ushuaia usually developed in parallel with colonies of free settlers, and reproduced the division of labour between agricultural pobladores and convicts employed in construction and intramural work.

Conclusions

Should the persistence of convict labour in military and public work across multiple penal institutions be interpreted as a “pre-modern” and colonial legacy that applied to what the Latin American élites viewed as “uncivilized and barbarous masses”?\(^{111}\) Were penal colonies “the ‘other’ side of Latin American élites’ modernization projects”, a symbol of their “failure” to adjust to their own ideals of (Western) modernity embodied in the penitentiaries? Scholars of the history of Latin American crime and justice have provided insightful interpretations of the regional élites’ process of reinterpretation and appropriation of the Western penitentiary model, paying attention to its ideological limitations and the permanent gap between discourses and practices.\(^{112}\) However, their insistence on the frame of “modernity” and “modernization”, and exclusive focus on the post-colonial period (and often on the late nineteenth- and early-twentieth-centuries)\(^ {113}\) are less convincing. Apart from the epistemological problems of establishing a periodisation of modernity, and of using the


\(^{113}\) A regrettable separation exists in the studies on crime and punishment in Latin America between the colonial and post-colonial periods, which does not appear fully overcome even in edited volumes that bring together contributions about both periods, such as Aguirre and Buffington, *Reconstructing Criminality*, and Salvatore, Aguirre and Joseph, *Crime and Punishment in Latin America*. Important contributions on the social history of crime and punishment in the colonial period include: William B. Taylor, *Drinking, Homicide, and Rebellion in Colonial Mexican Villages* (Stanford, 1979); Tamar Herzog, *La administración como un fenómeno social: la justicia penal de la ciudad de Quito (1650-1750)* (Madrid, 1995); Charles R. Cutter, *The Legal Culture of Northern New Spain, 1700-1810* (Albuquerque, 1995); Gabriel Haslip-Viera, *Crime and Punishment in Late Colonial Mexico City 1692-1810* (Albuquerque, 1999); Patricio Hidalgo Nuchera, *Antes de la Acordada. La represión de la criminalidad rural en el México colonial (1550-1750)* (Sevilla, 2013); Lauren Benton and Richard J. Ross (eds), *Legal Pluralism and Empires, 1500-1850* (New York and London, 2013).
concept of modernity altogether. I contend that the conflation of modernity and the “birth of the penitentiary” fundamentally hampers understanding of nineteenth-century crime and punishment in its own right, that is, in the context of the broader processes that took place in those specific historical settings. In my view, the persistence of extramural work should not be viewed as the product of the permanence of anachronistic labour relations and punitive projects; rather it reveals a process of re-functionalisation of coerced labour relations and pre-existing penal practices in the context of a transforming (but not necessarily “modernizing”) society. As such, this process characterized Latin American penal systems as much European ones during the long nineteenth century, and even beyond.

As I have sought to show for the borderlands of South America, the very process by which the penitentiary emerged as the main form of punishment should be reconsidered. The penitentiary did not “succeed” simply as a result of local and international expert discourses, but also because broader demographic, technological, and military changes concurred to marginalize other penal practices. Before those conditions changed – featuring different timing and characteristics in each context – the penitentiary model remained a mainly urban, complementary form of punishment, side-by-side with the exploitation of convict labour in the military and the building of basic infrastructures. More, even after those transformations took place, the penitentiary was by no means the only or uncontested form of punishment, and prison work was not the only form of exploitation of the convict workforce.

Penal colonies are a case in point. For while some might have undergone a transition into penitentiaries, as those in Patagonia and the Tierra del Fuego, others were (re-)established in overseas territories, such as the Galapagos Islands (Ecuador), the Chincha Islands (Peru) and the one Santo Domingo established on the Panama peninsula. In some cases their opening stemmed from the same reformist agenda that pursued the establishment of the penitentiary.


115 For examples dealing with the relationship between convict labour and war/regime changes, see for example: Frank Dikötter, Crime, Punishment and the Prison in Modern China (New York, 2002); Nikolaus Wachsmann, Hitler’s Prisons. Legal Terror in Nazi Germany (New Haven and London, 2004); Fernando Mendiola Gonzalo, “‘La consideración de ser explotado’: más de cien años de trabajo forzado y cautivo”, in Pedro Oliver Olmo (ed), El siglo de los castigos. Prisión y formas carcelarias en la España del siglo XX (Barcelona, 2013).


117 Fernando Cadalso, La pena de deportación y la colonización por penados (Madrid, 1895), pp. 20-21.
as part of a broader strategy of differentiation of prisoners proposed by Latin American supporters of the Positivist school. The Marías Islands penal colony (Mexico), for example, opened in 1908, eight years after the inauguration of the Mexico City penitentiary, as a way to “free us of the habitual criminals”. As Robert M. Buffington noted, penal reformer Querido Moreno “even suggested that the government transport their families to the penal colony at state expense”.

In the following decades, overseas penal colonies remained part of the penal landscape of Latin America. While some closed – e.g. the ones in the Galapagos Islands, Gorgona (Colombia) and San Lucas islands (Costa Rica) respectively in the 1950s, 1980s and the 1990s – others were still in use at the beginning of the twenty-first century, such as the penal colony of Oriente (Colombia), first established in 1930. Their characteristic location in peripheral provinces of contemporary nation states is especially interesting in the case of the Republic of Argentina. Out of four agricultural penal colonies that existed in 2012, five were located in the regions of the Chaco, Tucumán, Pampa and Patagonia. The latter was situated in Viedma, the city named after the officer that guided the colonization of Nuestra Señora de Patagones in 1779, on the opposite side of the Río Negro; the capital of Patagonia after the Conquista del Desierto in the 1880s, is now the 47,000-inhabitant-strong capital of the Río Negro province.

---

118 Buffington, Criminal and Citizen in Modern Mexico, 98. The other quotation in the text is taken from page 99. See chapter four for the broader context.