CHAPTER ONE

THE GLOBAL PORTUGUESE PENAL SYSTEM TO CIRCA 1830

1.1 Introduction and Conclusion

The punishment of exile, being excluded from society, is one of the oldest penalties recorded. Examples of its use can be found from the ancient world in places such as Mesopotamia, Egypt, and Greece. It is a relatively easy and inexpensive method of social control. Those who violate the norms in a given society were exiled or banished from it, either being sent out of town or the region (such as the ancient Greek city states) or to a specific, distant locale, such as Moses exiled to Sinai. This punishment was incorporated into Roman law, and further codified and made useful by directing the convict to perform certain tasks critical for the Empire. Sentences to work in the galleys and mines are good examples. In both cases, free labor was difficult or impossible to obtain for such work and using convicts was cheaper than slaves. This is especially true when the work was dangerous or even deadly, such as mercury mining.1 While many early modern and modern powers used systems of exile to their colonies, none can match the longevity of the Portuguese. Beginning with simple exile to (mostly border towns) during the Middle Ages, the Portuguese would use the punishment of exile (degredo), to direct convicts to man distant locales throughout its Empire from the 1415 conquest of Ceuta until 1932 when the system finally ended.

1.2 The Portuguese Use of Exile as Punishment

The punishment of exile in Portuguese law draws from these Roman roots. Forced exile, called *degredo* or having one’s legal status degraded or limited, was a constant feature of Portuguese society from the creation of the nation state in the High Middle Ages. Prior to 1415 and the beginnings of Portuguese expansion overseas, *degredo* was instituted in the legal codes

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as internal exile to one of several towns or villages along the border with the other Iberian kingdoms (i.e., Galicia, León, Estremadura/Castilla, and Andalucía). Typically, each town had a cap placed by the crown as to how many *degredados* could reside there. Frequently, those *degredados* convicted of more serious crimes (e.g. heresy, treason) might be excluded from some towns and specifically directed to others. With the conquest of Ceuta in 1415 and Portuguese expansion into the Atlantic, the judicial system incorporated some of these new holdings as sites to receive convicts. After the Inquisition was established in Portugal (in the mid 1500s), its tribunals coordinated their sentences of exile for sinners with the manpower requirements of the state. Convicts and sinners manned the navy’s galleys, while others staffed many of the forts and other outposts in the Portuguese Atlantic, such as Cacheu (Guiné in West Africa), Luanda, and forts in the interior of Angola along the Kuanza River. No site could rival São Tomé Island. Its economic importance in both the developing Atlantic slave trade and sugar production made it an important outpost of the Portuguese Atlantic. Because of the tropical diseases faced by Europeans who attempted to reside there, São Tomé quickly became a quasi-penal colony during early modern times. Convicts and sinners from Portugal were exiled there in (relatively) large numbers. They, in turn, supervised slaves laboring to produce sugar.

By the 1650s, *degredados* were omnipresent throughout the global Portuguese Empire and the sentence of *degredo* was handed down with great frequency by the High Courts in Porto, Lisboa, Salvador, and Goa.