CHAPTER 5

The Long View of Convict Labour in the Portuguese Empire, 1415–1932

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Forced or convict labour in the Portuguese world has deep roots, being established on the traditions of Roman law. In this volume, this connection is very clearly described in the opening chapter on Roman law by Groen-Vallenga and Tacoma. The Portuguese use of various forms of forced labour is unusual in its extraordinary durability, flexibility of these systems, and their applicability globally. Forced labour in Portugal began in the high middle ages with the galleys and was extended to residence or military service in isolated border towns. During early modern times, its uses and applications grew overseas hand in hand with the empire and were normally tied to military service. During the modern era, convict labour became linked with Portuguese Africa, particularly Angola, until 1932 and was closely supervised by the military.

This overview will begin with convict labour during early modern times and then turn to the nineteenth and twentieth centuries. In providing this sweeping view, the reader will clearly note the state's transformation from abandoning undesirables to distant exile locales to the closely monitored incarceration of modern times. In this five hundred year process, convicts were transformed from involuntary soldiers forming part of the early modern military during early modern times to inmates supervised by it in more recent times.

Early Modern Times, 1415–1755

Most of the sources relating to early modern forced labour in the Portuguese World are piecemeal and incidental, yet representative of a larger system. Collections that allow parallel works on the Inquisition, for example, are based on the rich archival holdings of the Holy Office in Portugal, some 40,000 individual processos (files of defendants). There is no similar collection in Portugal from the state's courts prior to the great earthquake of 1755. Gone are the legal documents, galley records, the maritime registers, reports from the jails, and other collections that would facilitate a study of early modern convict labour in the Portuguese World. In fact, very little exists in the way of legal documentation for the period from 1755 until after the Napoleonic invasions in
the early nineteenth century. The result is that in terms of historiography, there is a modest literature on exile and forced colonization within Portugal during the medieval period and a growing literature on crime and forced labour post 1850.

*Convicts and Orphans* is a unique publication in the literature, the only study on the subject of early modern convict labour in the Portuguese empire, precisely because the sources are so fragmentary. In spite of this, evidence can be extracted from many different forms: records of charities feeding prisoners (sometimes stating who was in a municipal jail, why, for how long); complaints of chain gangs that had escaped while moving from the provinces to one of the more central jails in Porto or Lisbon; and a rare bailiff’s notebook listing those in his keep. After the early eighteenth century, the courts printed lists of convicts (in all likelihood intended for distribution or public posting), indicating names, ages, crimes, and perhaps other data (such as age, marital status, and place of residence). Other sources include reports of a ship sinking with an account of its crew (listing convicts on board, destined for a specific locale). Convicts overseas sometimes appear in the documentation when they arrive (lists of names), when they become ill and need care in a hospital, or when they run away and become the specific targets of pardons. In this last, most intriguing case, Portuguese convicts left the Portuguese world to join any number of other nearby groups (e.g. in West Africa) or states (e.g. Mughals, Kingdom of Siam, deserting for the French Navy). In other words, we can frequently learn more about the presence and activities of convicts when something goes terribly wrong in the system than when everything functions normally.

Roughly speaking, approximately 50,000 Portuguese were relocated within Portugal, sent overseas, or sent from one colony to another during early modern times from approximately 1550 to 1755. This was the total exiled by courts of the State and the Church, a figure first posited in 2001. It is probably too low

1 The one exception is a collection held in the national archives in Lisbon (*Arquivo Nacional da Torre do Tombo*), called the *Juízo de Degredados* (sentences of exile). In theory, these were the master registers mandated by the overall system that regulated this punishment, outlined in great detail in the legal code published in 1603 by King Phillip III (of Spain, II of Portugal). Although these forty small folios have a wealth of information about some sentenced to exile from the period from 1740 until the 1830’s, they are far from the complete, central registers envisioned by the legislation. What becomes clear when examining that data is that the collection largely centres on the civil war years in Portugal (the 1820’s and 1830’s) and is a hit or miss collection for the period before 1810.