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PENAL SETTLEMENT AND COLONIZATION¹

ROBERT HEINDL²

The London Times recently published statistics compiled by me, by means of which I compared some of the criminality figures of America with those of Europe. The enormous increase in crime during the last six years, as shown by these statistics, makes it easy to understand that the existing system of punishment is being criticized in all countries, and that at this time a reform in the execution of sentence, which was being vigorously discussed before the war, should everywhere again be contemplated. The suggestions center in two objects—on the one hand, more energetic protection of the general public from chronic criminals by means of life imprisonment, or, at the least, illimitable imprisonment, after the model of the Australian Habitual Criminals Act, and, on the other hand, in correlation with these severe measures, more humane execution of sentence, deliverance from the gloomy prison cell, execution of sentence in God's great out-of-doors, open-air prisons, cultivation of waste lands, colonization of the convicts on the soil they have made arable.

In Europe a number of legislative experiments of this character have been made recently: The parliament of Tschecho-Slovakia on February 8, 1921, passed a law that introduces compulsory labor in the open air, particularly the employment of convicts at road building. In Switzerland it was resolved to have a large swamp territory—the Sëlzacher-Wyti—cultivated and colonized by convicts. (Compare the draft of a law for execution of sentence which the Regieningsrat of Zürich submitted to the Kantonsrat.) And in Germany, whose government is at the present time preparing a "Reichstrafvollzugsgesetz," the radical socialistic element is carrying on a violent agitation for open-air prisons.

In England, on the other hand, where the problem of penal colonies was also put up recently by a member of Parliament for public discussion, a different opinion seems to prevail. There it is the radical socialists who vigorously oppose the penal colonization of convicts. *The Daily Herald*, the organ of the English independents, a few weeks ago cast the searchlight of publicity upon the Andamans, those islands lying in mysterious darkness in the Gulf of Bengal, upon which Eng-

¹Translated from the German by Mrs. Bertha R. Wolf.

²Berlin, Germany. Editor of *Archiv für Criminologie*.

land employs the criminals of India who have received life sentences in colonization work. The author of the article in *The Daily Herald*, the radical leader of the Labor Party, Col. Wedgwood, energetically rejects this method of execution of sentence. As a reason for his rejective attitude, however, he has nothing original to say. On the contrary, he is obliged to confine himself to what, in December, 1920, a pardoned and discharged Andaman prisoner told him. For decenniums the traveling public has been prohibited from setting foot on these mysterious islands. Only the unfortunate Indian tourists who travel in handcuffs and fetters are allowed to land there.

The question of the "open-air prison," therefore, has recently taken the center of the stage in the debate on execution of sentence, but opinions as to its usefulness differ.

In the following, therefore, I have briefly tried to investigate whether the adherents or the opponents of open-air prisons are right. I consider myself not incompetent of answering this question, as, contrary to Tschsch, Swiss and German adherents of penal colonization, and contrary to Wedgwood, I am familiar with conditions in the largest open-air prisons of the world—the Andamans in India and New Caledonia in the South Sea—from personal observation; and perhaps I am the only criminalist who has studied the English as well as the French and Spanish systems of penal colonization right on the spot, and therefore am qualified to compare the practical experiences of three-quarters of the globe.

To speak first of the French open-air prison in the South Seas:

New Caledonia, situated near the southeast coast of Australia, is a scenic paradise with an ideal climate. The European can spend day and night out-of-doors throughout summer and winter. There are mosquitos, but their sting does not cause fever. Also it is a piece of soil where the convict may grub, drain swamps and build summer homes to his heart's content.

It was this skilled pioneer of culture whom the French had in mind when they founded the penal colony of New Caledonia. They hoped that, under the fairy hands of the convicts, the wild, uncultivated island would in a short time be transformed in a rich, blooming New France. But this beautiful plan turned out to be a Utopia. Disappointment followed disappointment until at last they became tired of the costly experiments and imprisoned nearly all the convicts on the islands in barracks. The colonies of convicts who shovel the earth to the music of their rattling chains are a thing of the past. The Forcat, who, his soul having been purified by the stings of conscience and mos-

quitos, hewed a breach into the primeval forest, is an historical figure.

Twenty years after the founding of the colony the French minister of colonial affairs complained to the Governor of New Caledonia that the number of kilometers of roadway which could really be traveled were simply ridiculous when compared with the expense of building them. Thereupon the incautious Governor Pallu devised a grand scheme and sent gangs of convicts to all corners of the colony as road builders. "Work on the roads," he said to the convicts, "and I will grant you a pardon and rehabilitation and give you land to settle on. I will go so far as to change your name in order that you may forget your past."

The convicts embraced each other in the Bagno. Joy reigned supreme in all the penal institutions. Everywhere they shouted: "Long live Pallu!" Some of the convicts addressed verses to the Governor, the apostle of regeneration—verses which were very pleasing to him and earned many favors for their authors. On the hairy breasts and arms of the convicts could be seen the tattooed picture of the Governor accompanied by an inscription of spicy taste.

It was a general delirium; but only three months later one could read in the newspapers of the colony that—"The situation is serious. To restore discipline we need, not only revolvers, not only a well-selected personnel, but also several good, well-locked prisons."

In fact, the order of the Governor had created a frightful situation. In spite of every imaginable measure for supervision, in spite of an enormous number of guards armed with revolvers, the "reform of execution of sentence" by Pallu had the most disastrous consequences for the safety of the colony, for life and property of the free settlers. On the public roads or in fields and woods, one would frequently meet gangs of miscreants, beasts sentenced to death or life imprisonment and pardoned, terrorizing the country. And those convicts who did not escape served their sentence by continued pretense of labor. It has been proved that the work of ten convicts does not nearly equal that of one free man. These pioneers of colonization and culture restricted themselves to the practice of simply shifting their tool from one hand to the other whenever an overseer was watching them, and they would disdainfully shrug their shoulders if he ventured a remark.

The English have had no pleasant experiences on the Andamans either. Through their strict government they achieved better success in colonization than did the French, but they paid for this success with a frightful mortality among their convicts. Wedgwood states that the mortality on the Andamans is twice as great as that of the prisons on

the mainland of India. And I can fully confirm Wedgwood's statements. This great mortality is not the fault of the English prison management, which has provided for excellent sanitation on the Andamans. According to my estimation, the murderous mortality, which makes the execution of sentence on the Andamans appear as vivisection, is based on the general conditions of penal colonization. Most of the convicts sentenced to a long period of imprisonment—only those with long terms of imprisonment are deported—have, as a consequence of their criminal antecedents, been unused to physical exertion, and succumb immediately when put to work. It is a contradiction to try to make farmers and pioneers of culture out of the shipwrecks of society, out of the products of a large city—out of vagabonds. Neither the climate, nor the food nor the treatment of the convicts are to blame for the high mortality on the Andamans, but solely the manner of occupation. This is proved by statistics which I compiled ten years ago in India, and which touch the heart of the question: With the same climatic conditions and the same treatment, the sick rate of Indian convicts inside of prison walls was 7%; at colonization work (road building, grubbing of primeval forests, etc.), 14.5%. We have here exactly the same proportion that Wedgwood names, and at the same time have the true and only reason for the rate of mortality.

The failure of penal colonization is reflected in the budgets. According to my calculations, a convict in the prisons of the Indian mainland, aside from his earnings, causes an annual expense of 60 rupees, on the Andamans 100 rupees, and in the French colony, even 600 francs.

And the colonization of discharged convicts? Of the 60,000 convicts which, up to the year of my visit there, were sent to the Andamans, only 600 free colonists remain. All the rest have either proved themselves unworthy of colonization, or have died or fled the country, or left with a pardon. Of these 600, only 279 earned their own living and only 149 did so as farmers. In New Caledonia, where the strongest and most industrious convicts also received a "farming concession" with liberal subvention from the state before the expiration of their sentence, I observed the same trifling result (1%). As soon as his hour of liberty is at hand, the "libéré" has nothing more urgent to do than to leave his "concession." Without any understanding for the noble educational maxims of the penalogues, the settler, on the day of his liberation, not infrequently says good-bye to his neat little blockhouse, to the fields which have grown dear to him, to his kine and his swine who have so faithfully assisted in his

purification, to the beloved village and the friendly neighbors, in short, to everything to which he owes his moral rejuvenation. He throws Viktor Cousins' "*Du Vrai, Du Beau et Du Bien*," which he had borrowed from the convicts' library, into one corner, and the milk bucket into the other, exchanges the spade with the walking stick, and goes forth as a vagabond into the world to look for work with the firm determination not to find it.

These are the practical experiences of England and France. They do not encourage the founding of new penal colonies and lead one to think that it would be wise, where such "dry guillotines" already exist, to proceed to tear them down.