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Miranda Frances Spieler, *Empire and Underworld: Captivity in French Guiana*. Cambridge, Mass., and London: Harvard University Press, 2012. 296 pp. Maps, tables, notes, and index. \$49.95 U.S. (cl). ISBN 9780674057548.

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Reviewing a book such as Miranda Frances Spieler's *Empire and Underworld: Captivity in French Guiana* is one of the pleasures of academic life. Spieler's book is imaginatively written, beautifully crafted, and deeply original in both its approach and conclusions. *Empire and Underworld* is a history of French Guiana from the late eighteenth century through the founding of the Third Republic in 1870. Guiana was by far the least "successful" of the French colonies in the Americas. As Spieler notes in her introduction, the most profound legacy of French rule in this small corner on the north coast of South America is the "scarceness of traces indicating a history of human settlement" (p. 1). How then, Spieler asks, would one write the history of the captive populations--slaves, convicts, political prisoners--that formed the bulk of the human material of French colonization in Guiana?

Spieler's approach to this problem is to write a spatial and legal history of the colony, through which the core violence of this colonial life is illuminated. This theoretically innovative work is marked by Foucauldian concerns about subjection and the power of the state. That said, Spieler trenchantly critiques Foucault's history of the "carceral archipelago" as inadequate to contend with the overseas penal colony, given his insistence that by the middle of the nineteenth century "life and incarceration became indistinguishable" (p. 12). Her book is an extension of and offers a critical corrective to Foucault's groundbreaking work, as she details changes to the punitive system that postdated the critical decade of the 1840s, when, in Foucault's account, the merging of prison with "life" became complete (p. 13).

Spieler also critically engages with Hannah Arendt's notions of the law and citizenship. As Spieler notes in the introduction, Arendt understood the law as fundamentally liberating. The possibility that it could "become a contrivance that degrades people" (p. 7) is anathema to Arendt's definition of the city. What Spieler demonstrates, however, is just how the law *was* such an instrument, essentially trapping people in a netherworld, in which they were both excluded from the "city," yet controlled by its laws. Where Arendt defines the slave (and by extension, the criminal) as consigned to a "debased state of nature" (p. 8), Spieler describes a world in which these same abject figures remained within the world defined by law, yet entirely disempowered by it.

Beginning with a "thought experiment"--to redefine "places where people no longer lived as human inventions (rather than places man failed to make a mark)" (p. 4)--Spieler conceptualizes Guiana, not as a part of South America, but as a French region. This artifice allows her to demonstrate the imbrication of metropolitan and colonial legal structures and territories. Chronologically, the book begins during the radical redefinition of the nation in the eighteenth century and particularly the French Revolution, when the boundaries of the Republic came to be understood in ideological, rather than purely territorial terms. The first several chapters of *Empire and Underworld* are devoted to describing the evolution of legal

categories during and after the revolution that produced this zone within which the debased individuals, whether political deportees, criminals, or enslaved Africans, existed.

Chapter one, "Leaving the Republic," describes changes to categories of civil death and forms of deportation—many of which were theoretical rather than spatial—by which enemies of the nation came to be excluded from the body politic, even while often remaining physically within France. Effected through legal means, these exclusions produced figures such as the émigré who never left home but was deprived of his legal identity and property for illegal flight. As Spieler notes, only a tiny fraction of the non-juring priests slated for deportation to Guiana during the revolutionary decade ever left "domestic France"; deportation was a state of mind more than a physical journey. In chapter two, "Strange Dominion," Spieler recounts the legal distinctions between colony and metropole, first defined during the revolution, and their legacy. Specifically, the legal regime of the slave colonies emerged in the shadow of the slave rebellion on Saint Domingue and planter resistance to the extension of metropolitan "rights talk" to the colonies. In the short term, planter resistance resulted in the suspension of constitutional rule. In the long term, as Spieler argues, "the refusal of deputies in the 1790s to construct a legal framework for colonial freedom helped to enable the revival of slavery" under Napoleon (p. 41). The colonies were thus legally produced in the same way that the various subjects stripped of citizenship were; they remained within the control of the republic and yet were excluded from the provisions of the constitution.

Chapters three and four, "Free Soil" and "Missing Persons," describe the surprising effects extension of domestic laws under the idea "legal sameness" to Guiana had; they were both the "making and unmaking...[of] colonial legal subjects" (p. 62). Here we see a number of ways that legal status attached to subjects in metropolitan contexts resulted in the extension of those domains to the colony. Late revolutionary deportation (actual) of political prisoners and priests opened up the question of whether or not the laws of domestic France would move with these subjects, and to what extent they pertained overseas. Several ironic results emerged from the enfolding of Guiana into metropolitan legal space. Among the most profound was the status of the slave and, after the first emancipation in 1794, the freedman. According to French free soil conventions, no slave could exist *on* French soil, and yet within the transatlantic polity of France, there were an abundance of such individuals, some of whom served as gendarmes in the local militia in Guiana, tasked with Maroon hunting. The extension of metropolitan law also meant that while Guiana was a place of banishment from the metropole, it could also be a place *from which* one could be banished, thus in 1793 Spieler tells us, the colony responded to news of the arrival of non-juring priests in Guiana with the banishment of their own non-jurors to New York.

Spieler's account of the return of slavery under Napoleon is poignantly evoked in "Free Soil," where her attention to space and legal status is particularly productive. As she puts it, the terms of re-enslavement meant that "if you owned real estate, you could not be real estate" (p. 77). Archival records recount the creative ways that freedmen and -women endeavored to ensure their own and their family's continued freedom through land sales and property subdivision. Longstanding practices whereby individuals sold usufruct rights to their family members, a practice that assumed the ultimate reversion of the property to the original owner, failed to ensure the legal identity of the occupants and thus their freedom.

Conversely, in "Missing Persons," Spieler describes the process by which incarceration attained portability, whereby the body of the convict (and ex convict) carried the jurisdiction of the prison on it. This system, which emerged out of the military prison system at French ports, was carried across the Atlantic to Guiana, where the prison spread to encompass the colony. Another metropolitan export during the Restoration and July Monarchy was the surveillance system developed by the French state. During these years it inexorably expanded the territory forbidden to ex-convicts such that, by the 1840s, Guiana became the obvious choice for their containment. This line of reasoning reached its administrative climax with the use of the state of siege—developed on the Algerian frontier and deployed

against restive workers in 1848--which enabled rule by administrative decree, ensuring the continued existence of Guiana outside of the legal protections of the metropole.

In the second half of the book, Spieler moves us squarely within the terrain of colonial Guiana, detailing the responses of colonial elites to slave emancipation in 1794 and 1848, and the foundations of the penal colony after 1854. Chapter five, "Idea for a Continent," details the theoretical history of the penal colony, and situates it in relation to the British example in Australia. This chapter, while fascinating in many ways, reads a bit like a dissertation chapter, cobbling together somewhat superficial discussions of French utopian thinkers such as Saint-Simon, romantic mystic Pierre Ballanche, and prison reformers as they theorized the planned community. Nonetheless, in this section, Spieler convincingly demonstrates the importance of cultural shifts within France that conditioned the possibilities for the penal colony more than the British model did. The French system emerged from a desire to "rid the country of nominally free people--liberated felons" (p. 115). As she has amply demonstrated by this point in *Empire and Underworld*, the empire was conceived of as a legal exception rather than an extension of the metropole: "the legal specificity of colonial earth made it possible to imagine ignoring judicial sentences and effacing judicial categories" (p. 116). These conditions enabled the emergence of colonial Guiana as not just a part of the empire that contained a penal colony, but as territory defined by its penal function.

The last three chapters, "Local Arrangements," "The Enormous Room," and "Metastasis," detail the development and growth of the penal colony under the Second Empire, contextualizing it in relation to slave emancipation in 1848 and its consequences for the colony. While throughout the book Spieler is careful to link the legal management of slavery with that of convicts, the connections are particularly rich and, often unexpected in the era after the second emancipation, when colonial elites fought mightily to retain their control over the labor force. Their efforts took a number of forms, including importation of contract laborers, especially Africans, coolies from South Asia and China, the claiming of *noirs de traite* (Africans brought to Guiana by the French navy from intercepted slave ships after the ban of the slave trade) and efforts to essentially enslave maroon communities long-established on the frontiers of the colony.

The legal means used in metropolitan France to define certain categories of people--the civilly dead of various stripes--were deployed to marginalize these non-French populations within Guiana. Spieler calls the terrains in which these individuals existed "special boxes," areas within the control of the empire but denied constitutional protections (p. 135). The inexorable effects of metropolitan legal structures translated to Guiana come into high relief in these chapters. The various means of delimiting and confining colonial subjects through legal mechanisms perfected in the metropole, coupled with the permanent state of siege enabled by Guiana's extra-constitutional nature and attendant elimination of citizenship rights enabled the expansion of the penal colony to engulf populations not technically within its purview. In effect, the law that followed the convict "metastasized" to encompass all of colonial Guiana with the establishment of the penal colony.

Chapter six, "Local Arrangements" contains some of the most intriguing anecdotes from the archives, including discussions of naming conventions affecting freedmen and women, manipulated by colonial elites to mark these people as descendants of slaves. We also find dramatic accounts of the unforeseen consequences of metropolitan policies, in which a free black peasant population benefited from white flight spurred by the arrival of metropolitan convicts. Equally interesting is Spieler's discussion of the application of "particular laws" (p. 149), referenced in the 1848 constitution, with regard to the colonies. Used by colonial elites in Guiana to claim the right to rule by decree, these powers were used to stave off the full implications of slave emancipation. Spieler notes, "[p]articular laws, taken together, aimed to illegalize the post-emancipation moment while seizing the bodies of freed people and everything around them" (p. 151). Instead of developing the kind of sharecropping system that emerged in Martinique or the United States, for example, the freed people of Guiana simply left the plantations permanently.

Spieler presents equally rich detail of the development and expansion of the penal colonies, which had several thousand inmates by the 1850s. One of the most striking narrative threads in these chapters is the process by which ex-convicts, considered exiled for life if sentenced to over eight years of forced labor, were handled by the penal state after their term of incarceration expired. They were seen as a threat to non-convict white society, but were also unable to return to the metropole. What would the state do with them? Given the dramatic discrepancy between male and female populations among convicts, any possibility of a permanent, self-reproducing settler community, of the form in development contemporaneously in Algeria, was out of the question. These men were the ultimate marginalized figures—a point driven home by the fact that they were exiled to the jungle and only provisioned by the state for two years after their incarceration ended. As Spieler notes, “convict transportation to Guiana became a machine of unending punishment” (p. 168).

As complex and suggestive as Spieler’s analysis is, there are some outstanding questions and notable omissions. The first question concerns the mechanisms of slave emancipation: who enacted slave emancipation? We are given ample evidence of the resistance of the colonial elites to emancipation, but the means of publication and enforcement of its provisions goes unexplained in the text. Also of use would have been more detail about the free black population. Was there a substantial population of *gens de couleur* as developed in other French colonies? There are also some omissions in the secondary literature that are worth noting. Although there is an extensive and recurring discussion of Anne-Marie Javouhey’s Mana Village, Sarah Curtis’ recent and extensive discussion of Javouhey’s widespread efforts in the empire, including Mana, is not cited.[1] Similarly Lawrence Jennings’s works, both on French abolitionism and more specifically on colonial Guiana, are left out of the bibliography.[2] Finally, the treatment of what Spieler calls “utopian doctrine” significantly oversimplifies the relationship of utopian socialist schemes to both slave emancipation and settler colonialism. Recent scholarship (including my own) has demonstrated clear affinities between early socialism and the colonial enterprise, however these linkages are not drawn and Saint-Simon and Fourier are both treated rather cursorily in this work.[3]

Aside from these relatively minor reservations, *Empire and Underworld* is an outstanding book. The argument is nuanced and sophisticated, sustained throughout with detailed and convincing evidence, and ultimately transformative of how we should understand the structural role of the law in modern life. After reading this work scholars of French history will have a very hard time any longer considering the metropole and the colonies as distinct spaces.

NOTES

[1] Sarah Curtis, *Civilizing Habits: Women Missionaries and the Revival of French Empire* (New York: Oxford University Press, 2010).

[2] Lawrence C. Jennings, *French Anti-Slavery: The Movement for the Abolition of Slavery in France, 1802-1848* (New York: Cambridge University Press, 2000); Lawrence C. Jennings, “Associative Socialism and Slave Emancipation in French Guiana, 1839-1848,” *Revue française d’histoire d’outre mer* 88/330-331(2001): 167-188.

[3] See, in particular, Osama Abi-Mershed, *Apostles of Modernity: Saint-Simonians and the Civilizing Mission in Algeria* (Stanford, Cal.: Stanford University Press, 2010).

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