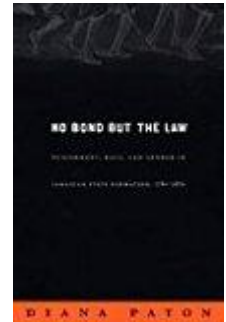


Diana Paton. *No Bond but the Law: Punishment, Race, and Gender in Jamaican State Formation, 1780-1870.* Next Wave: Duke University Press, 2004. xv + 291 pp. \$84.95, cloth, ISBN 978-0-8223-3401-9.



Reviewed by Bridget Brereton (Department of History, University of the West Indies, St Augustine)

Published on H-Caribbean (May, 2006)

Crime and Punishment in Jamaica

This valuable book seeks to investigate the cultural, social and political history of punishment in Jamaica before and after the end of slavery (1780-1870). As social history developed over the last decades, one approach within the genre has been to study crime and criminality as a lens through which to probe the inner dynamics of a society. For the English-speaking Caribbean, the pioneer was David Trotman, with his important 1986 *Crime in Trinidad: Conflict and Control in a Plantation Society*, which looked at the period 1838-1900. But few followed him. Thus, Jonathan Dalby (one of those few) was right to comment in 2000 that "it is curious that the historical study of crime and the courts in the Caribbean remains almost as much 'virgin territory' as it was" in 1986. [1] Dalby himself has published a useful study of crime and punishment in Jamaica in the century after 1756, based mainly on Assize Court records of the period.

Like Dalby, Paton deliberately chooses a time period which straddles slave emancipation. She moves away from a sharp "before and after 1838"

dichotomy which used to characterize British Caribbean historiography. In the processes which saw the Jamaican state increasingly taking over punishment from private persons (slaveholders, planters), 1838 was, according to Paton, "a moment of transition but not a binary divide" (p. 3). She stresses the need for historians to "look across the great divide of the 1830s" (p. 5). In her chronological strategy, she is at one with the growing historiographical tendency to stress the continuities over the emancipation period rather than the disjunctions.

While this book is a "single island" study (typical of most of the social history written on the Caribbean over the last decades), Paton emphasizes that Jamaica was uniquely influential within, and beyond, the British empire. As Britain's most populous and productive slave colony in 1830, it was "the paradigmatic case" for observing, imagining and evaluating the emancipation process. For many at that time (and since!), Jamaica was synonymous with the British Caribbean; and thus, the evidence from Jamaica proved crucial in Par-

liamentary enquiries, the abolitionists' writings, and the assessments of the "Great Experiment" after 1838.

This is a rich and complex book, but three major themes stand out. First, Paton is interested in probing the gender aspects of the colonial and British preoccupation with punishment before and after slave emancipation. In the antislavery discourse, corporal punishment of women was perhaps the single most striking trope; the image of a woman stripped near naked and degraded by brutal flogging, meted out by a man, dominated visual and textual abolitionist appeals. During the Apprenticeship, in the period between Abolition and the granting of "full freedom," the most powerful image used by the anti-slavery campaigners against was of a Jamaican woman subjected to the torture of the treadmill in an island jail or workhouse. Paton also notes that after emancipation, government attention focused on women less as laborers (for it was now official policy to encourage the men to be workers and providers for dependent wives and children), and more as beings whose bodies and morals had to be protected and disciplined. For women, Paton argues, the penal implications of emancipation were dramatic: they could only be punished by a magistrate, and not even he could order a flogging. Given the centrality of corporal punishment to slavery's penal regime, this change must have seemed true liberation—at least, at first. The treadmill replaced the whip in Jamaican penal practice after 1834, and women might be flogged when they were unable to turn the wheel fast enough, but the outcry provoked by vivid descriptions and prints of this situation ensured that treadmills were removed from Jamaican prisons in 1840. By the 1840s and 1850s, the archetypical Jamaican criminal was seen so clearly as male that there seemed no need to find an alternative, severe punishment for women, once both flogging and the treadmill had been removed from penal practice. When flogging was reinstated in the 1850s, as a punishment for certain crimes, it was for men only, and no one

seemed to question or object to this penal discrimination.

A second major theme is the way that the colonial state steadily enlarged its powers over punishment, at the expense of private individuals, especially slaveholders and employers. This began in the 1780s with the construction of government prisons and, of course, accelerated after 1834. This is why Paton considers the evolution of penal policy and practice to be inextricably linked to colonial state formation in Jamaica. The transition from private to public modes of punishment, of course, paralleled similar shifts in Britain and elsewhere, and responded to Enlightenment debates about penalty and crime. In Jamaica, the transition from slavery to freedom was an additional, powerful element.

Third, Paton considers popular attitudes to the official system of law and punishment in post-emancipation Jamaica; this is the subject of chapter 5, perhaps the most interesting one. Using court records from the Half Way Tree Court House (in St. Andrew parish, now part of Kingston) in the 1850s and 1860s, she probes why and how African-Jamaicans used the lower courts to pursue disputes and issues among their peers. Popular attitudes to the official system of law and justice went beyond simple "resistance" or "opposition"; Jamaicans did not hesitate to use, and engage with, "Buckra's courts" (white man's/colonial courts) for their own purposes. But, in addition, Jamaicans had informal, popular alternatives, provided by the black churches, and the spiritual practices of the obeah and myal complex, which posed a challenge to the colonial state's monopoly of legal and judicial power. We know that some evidence emerged in the enquiries held after Morant Bay of a "system of counter-official judicial practice" or "independent courts." It seems Paul Bogle, the black Baptist deacon and main leader of the rising, was involved in both this alternative system and in the official one: it was not a question of either/or.

Paton has made a fine contribution to our understanding of Jamaican society and polity in the nineteenth century. She has illustrated how ideas and practice about crime and punishment can open a window to subaltern worldviews, and she has successfully linked developments in Jamaica with wider discourses of the time. This is a book to be recommended.

Note

[1]. J. Dalby, *Crime and Punishment in Jamaica: A Quantitative Analysis of the Assize Court Records, 1756-1856* (Mona, Jamaica: University of the West Indies, 2000), p. 97.

If there is additional discussion of this review, you may access it through the network, at <https://networks.h-net.org/h-caribbean>

Citation: Bridget Brereton. Review of Paton, Diana, *No Bond but the Law: Punishment, Race, and Gender in Jamaican State Formation, 1780-1870*. H-Caribbean, H-Net Reviews. May, 2006.

URL: <https://www.h-net.org/reviews/showrev.php?id=11812>



This work is licensed under a Creative Commons Attribution-Noncommercial-No Derivative Works 3.0 United States License.