

“I felt a kind of pleasure in seeing them treat us brutally.” The Emergence of the Political Prisoner, 1865–1910

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For half a century, Stefania Sempołowska led the movement for prisoners' rights in Poland. A teacher active in the socialist opposition to the Russian Empire, she began working with prisoners in the mid-1890s, and in 1909 co-founded Patronat, the Society for Care of Prisoners. She carried on her campaign in the interwar years, sometimes battling with former comrades who proved as determined to incarcerate their opponents as the Russians had been.¹ Until her death in Nazi-occupied Warsaw she continued to advocate for the humane treatment of prisoners. Yet one early misstep in her own prison experience, in 1907, troubled her. In a memoir published at the time, she recalled with embarrassment a moment during a brief sojourn in Warsaw City Jail, when, “One of our companions ... brought joyful news to our cell: ‘I managed to fish out a political from cell 4 [the prostitutes’ cell], and we’ll get her moved to a political cell.’ This ... was a grievous fault on our part, as we threw into these women’s faces the fact that in the depths of our souls we regarded them as such low, unworthy companions. That without considering a value of another person, we assign them names like ‘political’ or ‘prostitute.’ We reacted this way instinctively.”² Sempołowska might have added that the authorities, after all, agreed with her: they not only provided different cells

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¹ On Patronat and Sempołowska, see Zofia Zbyszewska, *Ministerstwo polskiej biedy. Z dziejów Towarzystwa Opieki nad Więźniami ‘Patronat’ w Warszawie 1909–1944* (Warsaw: PiW, 1983); Hanna Mortkowicz-Olczakowa, *Panna Stefania. Dzieje życia i pracy Stefanii Sempołowskiej* (Warsaw: Nasza Księgarnia, 1961).

² Stefania Sempołowska, *Z dna ńędzy* (Warsaw: K. Kowalewski, 1909), 35–36. Sempołowska offered one dubious justification: that she and her comrades, socialists though they were, believed that the other women could live with prison conditions that politicals could not tolerate.

for different categories of prisoners, but even permitted the political themselves to make the case for assigning particular prisoners to each category.

The Russian administration in Warsaw in 1907 was unusual in accepting the category “political prisoner” explicitly, and in ceding such control to the prisoners themselves. Yet the political prisoner is a familiar figure whether or not a regime has acknowledged it. Thanks to the work of Amnesty International, among others, we imagine that we know who political prisoners are and how they act.³ We do not know how Sempołowska’s cellmate identified a kindred soul in cell 4, but we readily accept that this other prisoner was to both her fellow socialists and the prison authorities distinguishable from the prostitutes and others imprisoned for criminal transgressions. But how and why could they, and do we, recognize this figure? Is the incarcerated victim of tyranny a timeless archetype, or as rooted in the modern era as are the trade unionist or the Member of Parliament?

In prisons around the world in the late nineteenth and early twentieth centuries, activists in all kinds of oppositional movements drew upon similar resources and made analogous decisions about how to interact with the total institution⁴ that confined them. The practices of political imprisonment have remained mostly similar since then; Sempołowska and her contemporaries would find much that is recognizable among inmates at the Guantanamo Bay detention camp and countless other prisons today. They would not have had the same sense looking to the past, however; as this article will argue, until prison itself became a realm of politics in the late nineteenth century, incarceration seemed a hindrance to rather than a catalyst of one’s cause. When politics made itself at home in the prison cell, the political prisoner was born.

While political prisoners have attracted the attention of scholars in a variety of fields, findings have been limited in several ways. First, the literature often assumes the existence of an archetype connecting political prisoners across all of history. Jesus Christ, St. Peter, and Socrates—to stay in the ancient world—are often described as political prisoners.⁵ Attention to common experiences across time can be useful, not least to modern prisoners who have perceived parallels. They have found comfort, for example, in reading of the passion of Christ. Yet we weaken our ability to analyze relations within and around the prison if we categorize the political prisoner so broadly. Would that anonymous “political” in the prostitutes’ cell still have been a political prisoner if she were alone like her more famous forebears, with no one to

³ See for example Aryeh Neier, “Confining Dissent: The Political Prison,” in Norval Morris and David J. Rothman, eds., *The Oxford History of the Prison* (Oxford: Oxford University Press, 1995), 350–80; John Laffin, *The Anatomy of Captivity* (London: Abelard-Schuman, 1968).

⁴ I use here Erving Goffman’s terminology, which underlies Michel Foucault’s later concept of “the complete and austere institution.” See Erving Goffman, *Asylums: Essays on the Social Situation of Mental Patients and other Inmates* (Chicago: Aldine, 1961), ch. 1.

⁵ For expansive definitions, see Neier, “Confining Dissent”; and Laffin, *Anatomy of Captivity*.

name and rescue her? Does the appellation have any meaning in reference to solitary denizens of medieval dungeons? By situating the political prisoner within particular social and institutional relations, we gain insight into modern political relations as well.

Second, most scholarship has concentrated on the political prisoners of a single country.⁶ Such research can show how political prisoners are framed in particular cultural and political contexts, but cannot as easily ask questions about the category itself. Third, scholarship that has moved beyond single cases has often lacked any historical framework. This is especially true of work on prison writings.⁷ This paper uses three cases—Poland in the Russian Empire, British South Africa, and Ireland—to compare how these states, and prisoners themselves, thought about categories of imprisonment. My purpose is to embed the political prisoner firmly within the modern age, with origins in the half-century before World War I.

THE IMPRISONED POLITICAL

The history of incarceration of individuals for beliefs or actions against the state or a comparable authority stretches well before the period explored here. Some aspects of the phenomenon remain constant: such prisoners thought of themselves as different from other prisoners in terms of their character and the nature or intent of their transgressions; they often try to demonstrate this through their comportment under lock and key. Often, they have expected and demanded treatment appropriate to their moral character.⁸

Yet the experiences of prisoners in the ancient or early-modern worlds differ fundamentally from those of the modern political prisoner, both in the ways states perceived and treated their captives and in the ways prisoners themselves thought about incarceration. Until the last third of the nineteenth century, regimes treated those incarcerated for engagement in political activities

⁶ Key works not cited elsewhere in this article include Ervand Abrahamian, *Tortured Confessions: Prisons and Public Recantations in Modern Iran* (Berkeley: University of California Press, 1999); Fran Lisa Buntman, *Robben Island and Prisoner Resistance to Apartheid* (Cambridge: Cambridge University Press, 2003); Ujjwal Kumar Singh, *Political Prisoners in India* (Delhi: Oxford University Press, 1998); Philippe Vigier, ed., *Repression et prison politiques en France et en Europe au XIX^e siècle* (Paris: Créaphis, 1990); Polymeris Voglis, *Becoming a Subject: Political Prisoners during the Greek Civil War* (New York: Berghahn Books, 2003); Nikolaus Wachsmann, *Hitler's Prisons: Legal Terror in Nazi Germany* (New Haven: Yale University Press, 2004). A valuable overview is Mary Gibson, "Global Perspectives on the Birth of the Prison," *American Historical Review* 116, 4 (Oct. 2011): 1040–63.

⁷ Barbara Harlow, *Barred: Women, Writing, and Political Detention* (Hanover, N.H.: Wesleyan University Press, 1992); Ioan Davies, *Writers in Prison* (Oxford: Blackwell, 1990); and Paul Gready, *Writing as Resistance: Life Stories of Imprisonment, Exile, and Homecoming from Apartheid South Africa* (Lanham, Md.: Lexington Books, 2003).

⁸ See Sir Leon Radzinowicz and Roger Hood, "The Status of Political Prisoner in England: The Struggle for Recognition," *Virginia Law Review* 65, 8 (Dec. 1979): 1421–81; George Sigerson, *Political Prisoners at Home and Abroad* (London: Kegan Paul, Trench, Trübner, 1890).

individually, even if they belonged to an organization. The latter part of this “pre-modern” era is the age of liberal leniency described by Barton Ingraham, who notes dozens of examples of prominent jailed critics allowed to conduct business or entertain their friends in their cells. This treatment stemmed in part from regimes’ respect for the social status of opposition figures.⁹ Regimes also tended to treat imprisonment as a temporary stage in the punishment process; those prisoners who were not released quickly headed onward to exile or off to the gallows or guillotine.

Equally important, though, was the way that such prisoners conceived of the experience of incarceration. Few imprisoned figures in early-nineteenth-century Britain achieved as much fame from prison as did Henry Hunt, who was locked up at Ilchester in 1819 for his part in the Peterloo demonstration (he was speaking on parliamentary reform at the moment when the British cavalry charged into the crowd gathered on St. Peter’s Field). Hunt wasted no time in the Ilchester “Bastile,” as he called it: he smuggled out a pamphlet, “A Peep into the Prison,” that exposed the conditions he and other prisoners endured. The pamphlet enjoyed wide circulation, and had some impact on prison reform. Yet Hunt, as he describes the food, the furnishings, the sufferings of other inmates, and the petty cruelties of the wardens, gives no hint of a community of like-minded prisoners, nor any evidence that imprisonment contributed to his political struggle. Indeed, Hunt’s repeated references to the limits placed on visits by his friends make it clear that prison has interrupted his politics.¹⁰ The prison, for Hunt and other radicals, was certainly a prime example of what was wrong in England; William Cobbett had argued in 1816 that the politicians and their cronies, and not the incarcerated debtors and petty thieves, were the real criminals deserving of a prison cell.¹¹ But this rhetoric made no effort to link imprisonment itself to the political cause.

The fundamental difference between Hunt and his late nineteenth-century successors is one between a politics *against* the prison or imprisonment and a politics *of* and *in* the prison. Over the many centuries of dissent and punishment

⁹ Barton L. Ingraham, *Political Crime in Europe: A Comparative Study of France, Germany, and England* (Berkeley: University of California Press, 1979), esp. 160–65. As Edmund Dwyer Gray notes, this was in Britain a matter of custom rather than law. Prisoners were granted privileges and allowed regimens deemed commensurate with their moral stature, which derived both from their class and from the considered nature of their infractions. See *The Treatment of Political Prisoners in Ireland* (Dublin: The Freeman’s Journal, 1889), esp. p. 7.

¹⁰ Henry Hunt, *A Peep into a Prison, or, The Inside of Ilchester Bastile* (London: printed and published by T. Dolby, 1821).

¹¹ Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750–1850* (New York: Pantheon, 1978), 159. Use of the terms “political” and “criminal” inevitably introduces confusion that cannot be avoided. Cobbett’s polemic reminds us that the category of “criminal” is itself an uncertain one, encompassing offenders who are merely indigent, those who have committed violent crimes, and some whose crimes might perhaps be labeled “political.” On Cobbett, see also Gray, *Treatment of Political Prisoners*, 5.

before the mid-nineteenth century, prisoners incarcerated for political acts or ideas sometimes accepted their fate and sometimes protested it. But the prison itself, and the fact of incarceration, appeared to them a hindrance to their activities or an embodiment of what was wrong in the political and social order, though the experience might of course boost one's fame. They were *imprisoned political*s: their incarceration posed an obstacle to political work. A politics against the prison, whether envisioned as personal (my imprisonment is wrong or arbitrary) or universal (all imprisonment is bad), characterized the imprisoned political and his comrades outside prison as well. The prison was intended by the state to hinder the actions that provoked arrest and internment, and imprisoned politicals could not yet see a way beyond the boundaries set by the regime.

The political prisoner, in contrast to the imprisoned political, imposes his or her politics onto the prison and uses the institution as an instrument of political activity. Some act with impunity, while others, suffering restrictions, isolation, and hardships almost unimaginable, conduct but the barest outlines of a political struggle. Still, they aspire to a politics in and of the prison as yet unimagined by Hunt and others of his era.

STATES AND PRISONS

The modern prison—a centrally controlled, comprehensive state institution that houses, disciplines, and reforms transgressors of the law—spread from northeastern Europe in the eighteenth century to Asia and Africa in the early twentieth. By the mid-nineteenth century, all countries in Western Europe and North America boasted a network of state-run institutions employing a variety of techniques to control and transform their residents.¹² The prison itself was at first merely a temporary detention on the way to something else for most denizens. Inside, most political offenders were lumped together with criminals. Cases like Hunt's were exceptions proving the rule of solitary individuals imperfectly sundered from their communities.

Premodern incarceration looks in some ways like exile, and was often in fact a first step en route to exile. More democratic states like Britain, moving toward a policy of toleration of differing viewpoints, used prison like house arrest to hamper the activities of bothersome opponents. Exile was largely for those deemed harmful to the social or economic order.¹³ In more authoritarian regimes, such as the Russian Empire, political opponents did not need to disappear over the horizon to Siberia, for they could still be made to vanish

¹² On the modern prison, see Norval Morris and David J. Rothman, eds., *The Oxford History of the Prison* (Oxford: Oxford University Press, 1995); Ignatieff, *A Just Measure*; Patricia O'Brien, *The Promise of Punishment: Prisons in Nineteenth-Century France* (Princeton: Princeton University Press, 1982).

¹³ See George Rudé, *Protest and Punishment: The Story of the Social and Political Protesters Transported to Australia, 1788–1868* (Oxford: Clarendon, 1978).

just as if transported or executed. Modern prisoners disappear into torture chambers, into the intensive scrutiny of the state; the pre-modern disappeared prisoner was simply ignored and even forgotten. Walerian Łukasiński suffered this fate. An army officer linked to the Freemasons and other secret organizations in Warsaw during the reign of Russian Emperor Nicholas I, Łukasiński was sentenced in 1824 to fourteen years imprisonment, with the proviso that he could only be released with personal approval from the governor general of the Kingdom of Poland. He never got out, outliving several governors general and Russian emperors and dying at the Schlisselburg Fortress outside St. Petersburg in 1868. Over the decades, other prisoners occasionally glimpsed his gaunt figure down a corridor, and he became more rumor than fact, as distant to later generations as if he were in Siberia.¹⁴

Though Łukasiński ostensibly represented a movement of disaffected, liberal nationalists—his conviction came just a year before the Decembrist Uprising in St. Petersburg—he was really a personal captive, held indefinitely at the wishes of the governor general, and thus of the Russian emperor. He was not the subject of anyone's gaze, not in the Panopticon or on public display (as in Foucault's analysis of early modern public executions), yet neither was he of any interest to the sovereign. There is no evidence that ongoing administrative decisions rather than malignant neglect kept Łukasiński in Schlisselburg rather than in exile. Given the utterly disorienting isolation he experienced, however, he may as well have been in Siberia.

The exile of protesting individuals might appear to be the logical outcome of a modernizing state's efforts to manage nascent revolt, a pruning of the disorderly growth in society's garden. The nineteenth century was indeed the century of exile: states had acquired, at about the same time, both the power to suppress rebellion or conspiracy (standing armies, police forces), and extensive territories (colonies or remote hinterlands) in which to warehouse vanquished foes.¹⁵ However, the expansion of state power and aspirations, and the spread of nationalism eventually rendered exile obsolete. Target territories no longer welcomed boatloads of rejects, and states began to question whether exile was an efficient use of transport and land. Eventually exile lost favor, ending first in Australia in the 1850s and 1860s. In January 1868 the last

¹⁴ Rafał Gerber, "Wstęp," in Walerian Łukasiński, ed., *Pamiętniki* (Warsaw: PIW, 1986). Though composed in prison toward the end of his life, the "memoirs" are really essays on politics that reveal mainly just how greatly four decades in prison had isolated Łukasiński.

¹⁵ Key works on transportation and exile include Clare Anderson, *Convicts in the Indian Ocean: Transportation from South Asia to Mauritius, 1815–53* (New York: St. Martin's Press, 2000); Alice Bullard, *Exile to Paradise: Savagery and Civilization in Paris and the South Pacific, 1790–1900* (Stanford: Stanford University Press, 2000); George Kennan, *Siberia and the Exile System* (New York: The Century Co., 1891); Stephen A. Toth, *Beyond Papillon: The French Overseas Penal Colonies, 1854–1952* (Lincoln: University of Nebraska Press, 2006). Deportation was even considered in Wilhelmine Germany: Warren Rosenblum, *Beyond the Prison Gates: Punishment and Welfare in Germany, 1850–1933* (Chapel Hill: University of North Carolina Press, 2009).

convict ship from Britain, the three-masted *Hougoumont*, arrived at Fremantle, Western Australia with nearly three hundred convicts aboard, including a handful of political exiles. Given the tens of thousands that Britain had disposed of across more than two centuries (the vast majority not political), the end of British exile practices signposts a change in the way prisoners, and particularly political prisoners, were regarded. The prisoner who was not sent over the horizon but kept instead in a state institution with many others needed to be managed and put to some use by the modern state.

The institution itself was new, for the early modern prison differed in significant ways from its modern counterpart. The typical early modern prison was locally controlled, loosely regulated if at all, and run as a livelihood. In Britain through the early nineteenth century, the jailer derived his income from any fees he could extract from those placed in his charge.¹⁶ Russia, in turn, had less use for prisons since the serfs were tied to landowners and subject to their idiosyncratic systems of justice. Prison was a place avoided not only by offenders but also by the courts, which sentenced most to either corporal punishment or immediate release.¹⁷ In Asia and Africa, prisons were generally places for short-term detention.¹⁸ As a means of sequestration, banishment was preferable to prison for both the prisoner and the state. The creators of the modern prison vigorously debated the correct approach to social control and the best means by which to create what Michel Foucault called “docile bodies.” The debate about means contained a debate about purpose: could prisons transform criminals into useful, respectable citizens, or should they simply confine them as punishment and prophylactic? Historians of the prison, in turn, have deliberated whether the oft-invoked principles of moral improvement and compassion were real or just a smokescreen for the vengeful exercise of state power.¹⁹

The boundaries of the categories “criminal” and “political” can be difficult to draw. By locking up political opponents states usually (though not always) classify their actions as crimes. Some prisoner advocates, in turn, advance the

¹⁶ Randall McGowen, “The Well-Ordered Prison: England, 1780–1865,” in Norval Morris and David J. Rothman, eds., *The Oxford History of the Prison* (Oxford: Oxford University Press, 1995), 71–99.

¹⁷ Bruce F. Adams, *The Politics of Punishment: Prison Reform in Russia, 1863–1917* (DeKalb: Northern Illinois University Press, 1996), 9.

¹⁸ The institution of prison itself only becomes standardized across the world from the early twentieth century, as studies of non-Western prisons show. See for example Peter Zinoman, *The Colonial Bastille: A History of Imprisonment in Vietnam, 1862–1940* (Berkeley: University of California Press, 2001); Florence Bernault, ed., *A History of Prison and Confinement in Africa*, Janet Roitman, trans. (Portsmouth, N.H.: Heinemann, 2003); Frank Dikötter and Ian Brown, eds., *Cultures of Confinement: A History of the Prison in Africa, Asia and Latin America* (Cornell: Cornell University Press, 2007).

¹⁹ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, Alan Sheridan, trans. (New York: Vintage, 1995), 135. On debates concerning the purpose of prison see, for example, Gibson, “Global Perspectives on the Birth of the Prison,” 1046; Adams, *Politics of Punishment*, 3–11; and O’Brien, *Promise of Punishment*, esp. ch. 1.

view that all who are incarcerated are either engaged in or are victims of politics. The term “political criminal,” less common today, only complicates matters further.²⁰ As I will explain, the category of the “incarcerated political” must be understood as both legal-institutional and social. This first part of this essay examines ways in which political prisoners were created and shaped by laws and institutions, after which I turn to how prisoners made their own categories.

The great era of prison reform, stretching across the middle third of the nineteenth century, witnessed not so much the reform of existing institutions as the creation of a state-centered, state-directed system for treatment of offenders, political offenders included. Prisons became institutions for controlling and reforming, both tasks in which the state had a clear interest. Political offenders now became integrated into a new relationship with the state, in an institution shared with criminals. Thus regimes of political incarceration appeared after the birth of the prison as a state institution. Political offenders would subsequently carve out from this system a new category and set of practices.

One might be tempted to link the figure of the modern prisoner directly to the problems of the development of liberal democracy, as Darius Rejali has convincingly done for methods of torture.²¹ Indeed, as Britain was turning toward domestic confinement in place of exile in the 1860s, officials of France’s Second Empire were recognizing the category of the political prisoner and creating special quarters and rules for them.²² These were becoming concerns for European states generally, whether liberal or not. Russian Poland, subject for much of the nineteenth century to martial law, recognized the category of political offender as early as 1861. In 1880, Russian authorities in Warsaw establishing guidelines for the Citadel (and later other prisons) acknowledged the category of “political prisoner.” The rules promulgated lacked detail, and were in any event superseded five years later by a comprehensive regulation. However, the 1880 regulation did recognize a collective identity among such prisoners by granting them certain rights and forbidding them others. For example, politicals were to be separated from criminals and allowed to walk on the prison grounds together, but they were prohibited from submitting petitions as a group.²³ The latter implicitly acknowledged

²⁰ See, for example, Ingraham, *Political Crime*; and Dirk Blasius, *Geschichte der politischen Kriminalität in Deutschland 1800–1980* (Frankfurt: Suhrkamp, 1983).

²¹ Darius Rejali, *Torture and Democracy* (Princeton: Princeton University Press, 2007).

²² Jean-Claude Vimont, *La Prison Politique en France: Genèse d’un mode d’incarcération spécifique XVIII^e–XX^e siècles* (Paris: Anthropos, 1993), 444, 452–54; Gray, *Treatment of Political Prisoners*, 24.

²³ Andrzej Budzyński, “‘Pawiak’ jako więzienie polityczne w latach 1880–1915,” PhD diss., Warsaw University, 1987, 112–18. On the justice system in the Kingdom of Poland (the formal name for the Polish part of the Russian Empire), see Elżbieta Kaczyńska, *Ludzie ukarani. Więzienia i system kar w Królestwie Polskim 1815–1914* (Warsaw: Państwowe Wydawn. Naukowe, 1989), 42–105.

that what distinguished politicals was their tendency to engage in collective action. The authorities were not necessarily responding to activity within prison so much as anticipating the mapping of modern public activism onto prison spaces.

Though the Russian Empire was undergoing reform, it was not becoming liberal. To identify one's political opponents as such while imprisoning them demonstrated the power of the autocrat. As in France, Britain, and Germany, Russian jurisprudence found political crime a useful concept. Ingraham notes the paradox that while liberalism made it possible to understand political dissent as morally grounded, and thus allowed for political infractions to be treated more leniently than criminal acts, the "political criminal . . . was still prevented from further harmful activities to the state by isolation from the society, much in the same way as a carrier of disease is isolated."²⁴ Liberalism frames the political convict as someone to be quarantined from the body politic: kept close by, yet still dangerous. Legal designation is less relevant here than is the juxtaposition of liberal ideas (evident also in the police reforms of Alexander II in Russia) with the continued and indeed growing need to isolate dangerous opponents.²⁵

A development concurrent to that of state bureaucracies and institutions, namely of political parties and organizations, shifted the supply side of the prisoner-state relationship. The modern political organization, hierarchical and united by common ideas and tasks, came into being in the same context of dynamic urban centers, increasingly literate communities, and rapid communication technologies. It, too, is a product of the second wave of industrialization and urbanization that, like the prison, spread from Britain, northwest Europe, and the United States outward across Europe and beyond. In Europe the conspiratorial groupings of the first half of the nineteenth century and before, including insurrectionists of all sorts, now ceded the stage to political movements aspiring to both programmatic coherence and longevity. Parties, associations, trade unions, and the like drew strength from and espoused more-or-less coherent ideologies that they contrasted with what they perceived as the coherent ideologies of the state or of economic elites. They therefore mounted a new sort of challenge to regimes of all kinds.²⁶

²⁴ Ingraham, *Political Crime*, 318.

²⁵ On the Russian reforms, see Jonathan W. Daly, *Autocracy under Siege: Security Police and Opposition in Russia, 1866–1905* (DeKalb: Northern Illinois University Press, 1998), ch. 1.

²⁶ See Charles Tilly and Lesley J. Wood, *Social Movements, 1768–2008* (Boulder: Paradigm Publishers, 2009), ch. 3; Philip Nord, "Introduction," in Nancy Bermeo and Philip Nord, eds., *Civil Society before Democracy: Lessons from Nineteenth-Century Europe* (Lanham, Md.: Rowman & Littlefield, 2000), xiii–xxxiii; Miroslav Hroch, *Social Preconditions of National Revival in Europe: A Comparative Analysis of the Social Composition of Patriotic Groups among the Smaller European Nations* (New York: Columbia University Press, 2000).

The emergence of modern political prisoners coincides with a fifty-year period (1860s–1910s) during which such political movements matured around the world. Their struggles often were accompanied by violence (anti-colonial war, civil war, terrorism) combined with clearly articulated political and social programs, which forced liberal and autocratic regimes alike to reexamine policy toward their opponents at home and abroad.²⁷ This era also brought the first concentration camps, genocides, and civilian refugees. It is not surprising that political prisoners would take their place on stage at the same time. Central roles were played by socialist and nationalist organizations, both legal and not, which developed by the 1870s into mass movements with a permanent place in the political landscape. But all kinds of political organizations would force the state to develop new strategies.

We must not draw too neat a dividing line in the history of political incarceration, but a look at the problem from the perspective of the state itself does suggest a necessary evolution of disciplinary tactics. The individual pamphleteer or the nearly anonymous member of a loom-smashing posse might be easily dispatched. They could be brought to an ignominious end via a few months in jail awaiting trial, a miserable berth on a ship bound for Fremantle, a set of leg irons in a carriage headed beyond the Ural Mountains, or a hangman's noose. Behind every such troublemaker the regime might suspect a conspiracy, but one that was finite. Again, late-nineteenth-century civil society presented new challenges. This is not to say that states accepted that socialism or nationalism were here to stay, but only that these ideologies could not be confined to a few people. States did not think strategically about how to contain their political opponents; their actions were reactions to the crises and challenges that first arose in the late nineteenth century.

Looking at the efforts of British authorities to deal with political opponents, Seán McConville identifies the dilemma of the “chivalrous state”: state officials recognized in prominent political dissenters men who were of the same class and even disposition as themselves, and they therefore often tended toward leniency, even in cases of violent opposition.²⁸ “It is difficult,” observed Otto Kirchheimer in one of the first studies of political crime, “to prosecute a heretic while explicitly recognizing the purity of motivation which triggered this action.”²⁹ In other words—and Kirchheimer was referring to the late nineteenth century—the regime persists in responding to an individual, not to a movement. The administrators of criminal justice encountered men and

²⁷ Such movements built upon the traditions of their eighteenth- and early nineteenth-century forebears. However, the addition of structured parties with clearly articulated ideologies amounted to a qualitative change.

²⁸ Seán McConville, *Irish Political Prisoners, 1848–1922: Theatres of War* (London: Routledge, 2003), 4. See also Ingraham, *Political Crime*.

²⁹ Otto Kirchheimer, *Political Justice: The Use of Legal Procedure for Political Ends* (Princeton: Princeton University Press, 1961), 241.

women of a familiar caste—literate community leaders, property holders, often holders of official positions—and applied treatment derived as much from presumed class affinities as from penitentiary considerations. Even if their crimes were violent or repugnant, the prisoners' physical and social expectations were comprehensible—to read and write, smoke, maintain a circle of friends, and have access to certain comforts. Kirchheimer cites the case of Paul Déroulède, whose right-wing Patriots' League plotted to overthrow the French regime in 1899. Even as he himself demanded that he be tried for treason (as had been Alfred Dreyfus, who represented no organization, and whose intended punishment resembled that of Łukasiński), Déroulède was acquitted of a mere misdemeanor before a high court banished him from the country.³⁰ But as much as a ruler might permit leniency toward—or, conversely, inflict exceptional, sadistic punishment on—a noble gadfly, the repressive apparatus of a modern state would hardly be likely to do the same to the members of a political party.

Imprisonment of a political opponent promises a different sort of security, for a different beneficiary, from that afforded by locking up a murderer. The outcome expected differs as well, since political infractions cannot be expiated as simply as debtors' accounts can be wiped clean. Similarly, the relations among political prisoners, and between them and comrades outside of prison and with prison authorities, differ markedly from those among the persons convicted of theft, murder, or prostitution who comprise most of any prison's inmates. Though political prisoners may not have been, as they believed, morally superior—an assumption fundamental to the political prisoner's experience—their incarceration did challenge, both implicitly and explicitly, the very ideas of discipline and reform.

O'DONOVAN ROSSA'S HAMMER

The modern political prisoner, then, is a product of a collision between the modern prison, political organizations, and the transformative state that turns from expulsion toward monitored, proximate incarceration. The rest of this article focuses on the efforts by political prisoners to acquire a distinct character within prison in relation to the legal and punitive apparatus.

The first movement furnishing political prisoners in the modern sense in the countries studied here (and perhaps anywhere) was surely the Irish Republican Brotherhood (IRB), colloquially known as the Fenians, who took up the banner of the struggle for Irish freedom in the 1860s. The Fenian movement resembled other late nineteenth-century movements across Europe in its emphasis on conspiracy, organization, and armed struggle. In cooperation with comrades in the United States, the IRB planned an uprising in Ireland for 1865, but their plans were discovered and most of the principals arrested.

³⁰ *Ibid.*, 34, n. 24; Zeev Sternhell, "Paul Déroulède and the Origins of Modern French Nationalism," *Journal of Contemporary History* 6, 4 (1971): 46–70, here 67.

James Stephens, one of the founders, was detained in November and held in Richmond Bridewell prison in Dublin with a few of his comrades. Less than two weeks later he escaped with the help of his guards and of friends outside, and left the country. The cells of the forty or so Fenians still held were now reinforced with iron and they were tried before special commissions within a month. These trials, which featured Jeremiah O'Donovan Rossa defending himself in incendiary speeches, resulted in convictions for most movement leaders.³¹ Prison authorities soon transported prominent convicts to Pentonville Prison in England. Arrests continued, and the end of 1866 found more than 750 Fenians imprisoned, while hundreds more were taken into custody over the next two years amidst the break-up of more Fenian plots. More than a hundred received sentences ranging from several years to life.³²

The government now had to decide whether to transport them, but that option was rapidly disappearing. The Fenians, unlike their predecessors, were not some seditious gentlemen editors to be packed off to Bermuda.³³ They had wealthy American allies and had conducted armed raids on English territory. Even had transportation still been a serious option, it no longer seemed adequate punishment. Nor, given the Fenians' access to the press, could they be made to disappear from public memory by ordinary means, even when removed from Ireland itself. Incarceration may have been convenient precisely because they were not Englishmen but rather semi-outsiders, easier to punish and to humiliate in confinement. The result was that prison became the method for addressing political unrest. Several dozen Fenians did make it onto the *Hougoumont's* last transport to Western Australia, which sailed from England in September 1867, and upon arrival they were incarcerated in Fremantle Prison. In 1876, six who were still there staged a dramatic escape on the whaling ship *Catalpa*.

For the Fenians who remained in England, the British authorities devised novel restrictions to prevent their conspiring in prison. Even those sharing cells were not allowed to speak with one another, and contact during exercise was restricted. Newspapers were forbidden and prisoners could only write letters intended for delivery outside the prison.³⁴ Clearly, the British thought the Fenians posed a danger *even as prisoners* and their fears were only reinforced

³¹ Brian Jenkins, *Insurgency and Terrorism in a Liberal State, 1858–1874* (Montreal: McGill-Queen's University Press, 2008), 40–42.

³² McConville, *Irish Political Prisoners*, 123–24, 146–47.

³³ The Fenians' predecessor, the Young Ireland movement, followed the older tradition of imprisoned politicals, as can be seen in the *Jail Journal* written by a Young Irelander, John Mitchel, who was sent to Bermuda. See Tim Causer, "'On British Felony the Sun Never Sets': Narratives of Political Prisoners in New South Wales and Van Diemen's Land, 1838–53," *Cultural and Social History* 5, 4 (2008): 423–35.

³⁴ McConville, *Irish Political Prisoners*, 153.

by O'Donovan Rossa's aggressive defense in court and the Stephens escape. Communication with the outside would be a concern in any era (hence the need for prisons), but authorities decided that these prisoners were a dangerous group in and of themselves, wherever they were. They may well have wished that transportation were still an option; less than two weeks before the *Hougoumont's* departure an armed attack on a police van freed two Fenians recently arrested in Manchester.

The Fenian campaign of prison rescues culminated in an amateurish attempt to free Richard Burke from Clerkenwell Prison on 13 December 1867. Burke, a prominent member of the Brotherhood, had helped to plan the Manchester rescue, and his comrades tried to rescue him by blowing up a wall of the prison's exercise yard. The explosion killed and wounded a number of people in the prison's vicinity, but liberated no one. The police began roundups and increased surveillance, while warders in prisons where Fenians were held were armed. Rumors swept Britain of an impending wave of terror that would target Fenian-holding prisons, among others.³⁵ For the British public and authorities, just as for the Fenians, the prison became a focus of political relations.

Seán McConville cautions against placing the Fenian prisoners in the modern camp. They "did not grasp the opportunity," he argues, "to continue their fight within the prison walls. . . . Prison had yet to be viewed by the militant as a theatre of revolutionary war."³⁶ They lacked the consciousness of place evident in later generations. Yet, though the Fenians failed to advance their cause, they did forge a new collective political identity within British prisons. Most of all, some Fenians came to see the prison as a place in which one acted as a political, and, in McConville's words, "Captivity became an opportunity as well as an incapacity."³⁷ Perhaps prison was not for the Fenians a "theatre of revolutionary war," but they certainly made it a place for contest with the British government, and that was no small achievement. Though they did not continue an active campaign against the regime from within the prison cell, their incarceration was nonetheless something more than the lonely martyrdom of their predecessors. In small ways, a political community took shape in the English prisons to which the Fenians were sent.

No one understood the value of prison better than did Jeremiah O'Donovan Rossa (1831–1915). Offered passage to Western Australia in 1867, he refused, recalling in his 1874 memoirs: "I felt a kind of pleasure in seeing them treat us brutally in England, and I could not enjoy this feeling under similar treatment in the Antipodes."³⁸ Proximity to his own community

³⁵ Jenkins, *Insurgency and Terrorism*, ch. 6.

³⁶ McConville, *Irish Political Prisoners*, 140.

³⁷ *Ibid.*

³⁸ Quoted in *ibid.*, 173, n. 146.

would allow him to furnish a spectacle, an enactment of regime-opposition relations, while exile, whether confined or at liberty, would close down this opportunity. The repression would then be conducted by proxy, as it were, leaving its meaning opaque. To be a prisoner on one's home turf, or close to it, offered political benefit.

As if he were teaching himself the role of political prisoner, O'Donovan Rossa's defiance of authorities, and his sense of his position within the prison community, steadily escalated. At Portland prison he and his comrades found no Roman Catholic priest or any appropriate place of worship; their protest won them permission to choose one among them to read prayers and scripture in the cellblock corridor on Sundays. This exercise in self-organization—itself unremarkable, since sanctioned prayer might contribute to rehabilitation—became a protest: the reader, Denis Mulcahy, took care to choose texts with “denunciations of tyrants and oppressors ... and blessings for all who suffered persecution for justice sake.”³⁹ On the relatively limited ground of religious faith, the authorities themselves granted the Fenian prisoners the right to govern themselves and maintain their politics, thus allowing them to articulate a collective political identity rooted now in incarceration.

Still, O'Donovan Rossa and the others had to work out what being a political prisoner entailed. The guards at Portland chose two prisoners to clean the outhouse every three weeks. When O'Donovan Rossa's turn approached, “I told my companions I would refuse, and some of them remonstrated with me. Mr. Luby observed that obedience and subordination were more than anything else in accord with the dignity of the cause of our imprisonment, and in this I agreed with him. John Mitchell [*sic*] submitted to the prison discipline, he said, and did his work like any other convict, but I could never realize to my mind John Mitchell's shoveling the dung out of a privy....”⁴⁰

Two questions were at issue here. First, does obedience or disobedience bring greater dignity to the prisoner? The Fenians came to agree on obedience, while other, future groups of political prisoners were less certain of this, and the debate can never be settled. The second question was a new one: that of the individual prisoner's responsibility to his comrades. O'Donovan Rossa relented when another comrade pointed out “that some four or six of our party had cleaned the closet before me, and my refusing to do it would look as a reflection on their spirit or a presumption of my own superiority.”⁴¹

Both sides in the argument, in O'Donovan Rossa's telling, look to their legendary predecessor, the Young Irelander John Mitchel (tried and exiled in 1848) for guidance, but in the end the desire to maintain solidarity is stronger.

³⁹ Jeremiah O'Donovan Rossa, *My Years in English Jails*, Seán Ua Cearnaigh, ed. (Tralee: Anvil Books, 1967), 101.

⁴⁰ *Ibid.*, 105.

⁴¹ *Ibid.*, 106.

Soon, O'Donovan Rossa is breaking stones in the prison yard at record pace, showing himself to be, he tells a prison officer with a trace of sarcasm, "a gentleman convict."⁴² He would not remain so; when he was taken to break stones in his next penitentiary, Chatham Prison, in early 1868, he flung his hammer over the prison wall.⁴³ O'Donovan Rossa now recognized that such work made him a criminal convict and he exuberantly rejected that label, creating with this throw a clear politics in the prison. He had been agitating against the work since entering Chatham in February. This final display escalated into a confrontation with the prison governor, who had O'Donovan Rossa manacled for a month. The Fenians had the last laugh, since protests led to a Royal Commission of Enquiry (the "Devon Commission"), which issued a thick report in 1871.⁴⁴ O'Donovan Rossa's throw brilliantly inverted his comrades' earlier attempts to breach prison walls from outside. With his hammer he not only demonstrated a resistance technique to his comrades but also conveyed information about politics inside—his refusal to work—to people outside. Moreover, he did so without weakening the prison community, as an escape would have. Finally, the Devon Commission's report suggests that his hammer also left its mark on British politics.⁴⁵

O'Donovan Rossa's conflicts with authorities remind us that the question of work is one of the key flashpoints in the emergence of political prisoners. Like the problem of convict clothing, the conflict over labor, whether menial tasks within the cell or ostensibly productive work outside it, tests the capacity of the authorities to impose order upon those whom it incarcerates, as well as their ability to efface the boundary between political and criminal.⁴⁶ Here, though, the most salient point is that prison labor, like a prayer meeting, is a collective experience, which can reinforce the discipline of the institution even as it builds the shared identity of the political prisoners.

The Fenians spent up to six years in prison, treated largely as a group even as they were frequently moved about the English penal system. Their incarceration delineated the boundaries of collective action both within and outside of the prison cell. The British eventually succeeded in suppressing the movement itself, but O'Donovan Rossa became a legend from the moment his prison memoirs appeared in 1874. What had happened in those few years that was new? The British authorities discovered that the imprisonment of a large

⁴² *Ibid.*, 111.

⁴³ McConville, *Irish Political Prisoners*, 173.

⁴⁴ *Report of the Commissioners Appointed to Inquire into the Treatment of Treason-Felony Convicts in English Prisons*, Parliamentary Papers C.319, 1871.

⁴⁵ For an account of the relatively limited effects of the Devon Commission's Report, see Radzinowicz and Hood, "The Status of Political Prisoner in England," 1450–57.

⁴⁶ While I have no room to address clothing disputes or debates about labor in this article, I deal with them more fully in the book manuscript from which this article is drawn. As one of the reviewers of this article aptly noted, labor disputes like O'Donovan Rossa's downing of tools can and did occur among criminal convicts as easily as among politicals.

number of political opponents had led them into a trap. They recognized the group as distinct and worthy of special attention, while consigning them to prisons rather than to the transport ships or the gallows. In so doing, they intended to treat these convicts just like any other. This is the classic dilemma of the modern repressive regime: it wants to treat political offenders as special, in a negative sense, but also fears drawing attention to them. The category is at once special and invisible, as it simultaneously illuminates the political nature of the incarcerations while trying to efface distinctions between these and other prisoners. As Seán McConville describes the British government's Fenian dilemma, "The doctrine of 'no political prisoners here' was the official line, but neither officials nor politicians believed or acted as though it were true." By 1870, he observes, the Fenians had won the category in all but name.⁴⁷

WARYŃSKI'S MAZURKA

In the Russian Empire, the balance began to shift from exile toward political imprisonment in these same decades. Socialists were central actors in this drama, slowly altering the political landscape of a society where political opposition had been so clearly identified with a particular class—the nobility. In Europe more generally, socialists (and later suffragettes), as they sought to grow the political consciousness of the working class and remake the political and economic order, presented to regimes the new face of the political prisoner.

The first socialist party in the Russian Empire was Poland's Proletaryat, founded by Ludwik Waryński in 1882.⁴⁸ Proletaryat followed close upon the heels of other revolutionary groups in the empire, most notably the *narodniki*, revolutionary populists who were imprisoned in large numbers in the mid-1870s.⁴⁹ After a brief but impressive series of protests, Waryński and his comrades met the same fate, filling up Warsaw's Citadel in 1883. Though Proletaryat organized strikes and published an eponymous newspaper, it made its greatest impact in prison. Waryński and several dozen comrades spent two years in the Citadel, and there Waryński composed a song he titled the "Mazurka in Chains":

Rise joyfully to the dance, you of rebellious faith.
Turn and turn again, with joy. O Warsaw, O Kara!
The enemy has chains and fortresses aplenty for us,
But we are joyful, as our chains ring in a mazurka.⁵⁰

⁴⁷ McConville, *Irish Political Prisoners*, 193–94.

⁴⁸ Norman M. Naimark, *The History of the "Proletariat": The Emergence of Marxism in the Kingdom of Poland, 1870–1887* (Boulder: East European Quarterly, 1979), 107.

⁴⁹ On the imprisonment of the *narodniki* and their international impact as prisoners, see Kevin Grant, "British Suffragettes and the Russian Method of Hunger Strike," *Comparative Studies in Society and History* 53, 1 (2011): 113–43.

⁵⁰ Full text in Kasper Wojnar, *Wspomnień z Cytadeli i z innych więzień moskiewskich* (Kraków: Księgarnia Ludowa K. Wojnara, 1904), 42–43. Waryński's speech from the dock in December 1885

Addressed to and sung by a community of prisoners, Waryński's mazurka transformed the march around the prison yard—and the march to Siberia—into a confident expression of identity. The chains represented not slavery but pride, and the circling dancers faced not their captors but each other.

The Russian authorities, then battling a wave of assassinations (including that of Tsar Alexander II in 1881) treated their captives with ambivalence. Six of Waryński's comrades, all convicted of participation in specific acts, were hanged, but party leaders escaped this fate and were exiled, perhaps because the authorities had yet to see ideology and movement leadership as equivalent to more evidently "criminal" activities.⁵¹ The category of political prisoner appeared to offer the Russian regime a means to contain the socialists, as Feliks Kon discovered over the course of his early imprisonments. In 1884, Kon joined the Proletariat prison community for the first time. When Lieutenant Fursa, the infamous chief of the Citadel, ordered Kon to prepare for an interrogation downtown, he refused, saying he had no intention of providing any testimony. He knew he could not be taken by force lest the spectacle of a prisoner in chains provoke a street protest. The standoff was only resolved when Fursa's superior, General Unkowski, promised that books and letters would be delivered to Kon's cell.⁵² Though just twenty years old, Kon already knew what he could demand and what he might hope to receive within prison. But what is revealing is not so much the leniency with which Kon was treated but rather the informality of the rules that allowed this young socialist to win the attention of and concessions from a Russian general.

Ten years later, having returned from Siberian exile, Kon found himself back in the Citadel. But this time he received a printed copy of the prison regulations. Dante came to his mind as he read the following warning: "Whosoever has come here should forget who he was, and remember only that he is a prisoner."⁵³ The message was not dissimilar from that of Waryński's mazurka, albeit drained of joy: to be in prison, the state agreed, was a special identity of itself. Prison authorities were no longer conceiving of their captives as wayward noblemen or foolish youth, or only as terrorists to be strung up or shot; now they were prisoners located in and defined by a specific place. Kon and his comrades (now of the Polish Socialist Party) thus entered into a new relationship with their captors and the regime.

is one of the sacred texts of Polish socialism. He died of tuberculosis in Schlisselburg fortress in 1889. The Kara Mines, near Lake Baikal in Siberia, were one of the destinations for deported Poles.

⁵¹ Naimark, *History of the "Proletariat,"* 176. On the Russian penal system generally, see Boris N. Mironov, *The Social History of Imperial Russia, 1700–1917*, vol. 2 (Boulder: Westview Press, 2000), 247–64, esp. 261–64.

⁵² Feliks Kon, "Ze wspomnień," in Aleksander Kozłowski and Henryk J. Mościcki, eds., *Pamiętnik X Pawilonu* (Warsaw: Wyd. Ministerstwa Obrony Narodowej, 1958), 167–69.

⁵³ Feliks Kon, "Ze wspomnień," 152.

The Russian Empire was by this time awash in political parties—socialist, nationalist, populist, and others—and a growing variety of civic associations, especially in the Polish territories. The early 1890s saw street protests and marches become a regular feature of Warsaw’s public life. Out of this milieu came Zofia Grabska, who was just a few years younger than Stefania Sempolowska and entered politics at about the same time. After several months in the Citadel, this young socialist was sent on to St. Petersburg—not to the Schlüsselburg Fortress where Łukasiński had vanished, but rather to the Kresty, a huge prison complex in the center of the city. Decades later, she maintained that it was this prison that had made her a socialist. The prison library kept her supplied with books that surely would not have passed a review board, such as Chernyshevskii’s *What Is to Be Done?*, a bible for many a budding Russian socialist. And of course she had plenty of time to think things through. “The pride and joy,” she recalled, “that I will no longer be ‘a marriageable girl,’ that I will become (because that’s what I had decided) a creative force, at least in some modest way, leading humanity to a better tomorrow, so brightened my cell that I simply came to love it. No longer was I in such a hurry to leave the prison.”⁵⁴

Grabska’s sentiment echoes that expressed by O’Donovan Rossa a quarter-century earlier, that being in prison brought a certain satisfaction. But she went farther: while O’Donovan Rossa focused on the fact that his imprisonment made the regime uncomfortable, Grabska recognized that it could transform her. Both were writing from the perspective of national liberation movements and realized that prison contributed to that struggle. Grabska saw that the political struggle could even begin in prison. Her awareness foreshadows the “prison universities” of the late twentieth century, on Robben Island, in Long Kesh, in Warsaw’s Mokotów and Białołęka prisons, and elsewhere, where men and women entered as followers and emerged as hardened political activists.

GANDHI’S SHIRTSLEEVES

In both the Russian and British empires, the first decade of the twentieth century saw new groups of women, workers, and colonial subjects crowd into prison cells, spaces which they, like O’Donovan Rossa or Grabska, sought to make their own. They undermined prison authorities’ sense of the familiar by forcing them to understand their charges as something different than an assortment of dissenting gentlemen, the elites of a marginal nation, or the bloodthirsty vanguards of a civil war. The prison now opened its gates to collectives that treated their place of incarceration itself as an appropriate locus of contention with the regime. Beyond asking for privileges or

⁵⁴ Zofia Kirkor-Kiedroniowa [Grabska], *Wspomnienia* (Kraków: Wydawnictwo Literackie, 1986), 108.

improvements in their condition, these prisoners built a community within prison walls just as important to their cause as were their activities outside. Like O'Donovan Rossa's hammer, their actions reached beyond the prison walls.

For many years after the Fenians regained their freedom in the early 1870s the British imprisoned few political.⁵⁵ Real successors to the Fenians did not appear until October 1905, when Annie Kenney, a mill worker and a leading activist for suffrage in the Women's Social and Political Union, was arrested along with WSPU co-founder Christabel Pankhurst on charges of obstructing a political meeting in Manchester. Over the next nine years, more than a thousand suffragists went to prison. Most, in the early years, were offered the option of paying a fine and chose incarceration instead. For these militant suffragists, prison became not just a conscious choice but also an integral part of their political struggle.

It is no surprise that a political movement should benefit from the symbolic power of the imprisoned comrade. Often enough imprisonment in certain dungeons (one thinks of Robben Island) has been tantamount to martyrdom, and this remains true even today. For the Fenians or the Polish socialists prison was useful in that the prisoners themselves could join the battle with the state alongside their comrades still at liberty and build stronger movement ties within the cell. But the suffragette movement is difficult even to imagine without prison. Imprisonment, and particularly torture furnished narratives of power and resistance that were essential to the movement's cause. It was in the WSPU's struggle that the prison cell emerged as a terrain of political contestation in its own right.⁵⁶

The suffragettes built their political campaign upon the premise that women, excluded by the political sphere and marginalized by the legal code, owed no fealty to state institutions, including the prison. At the same time, educated and privileged suffragists could manipulate and challenge prison expectations in a way that those further on the margins—ordinary criminal convicts, for example, or the rebels from across the Irish Sea—could not. The choice between paying a fine (something a debtor or a prostitute probably could not do) and accepting a prison term was for them an easy one. Paying the fine would wipe the slate and nullify the crime, which would make no sense for women who had purposefully damaged property or created a public nuisance. So, too, a successful defense at trial ran counter to the suffragettes' aims. "In the first years of militancy," writes Sophia van Wingerden, "women had appeared

⁵⁵ An interesting exception is prisoners during the Irish Land War, especially William O'Brien, whose tactics echoed those of O'Donovan Rossa. Sally Warwick-Haller, *William O'Brien and the Irish Land War* (Blackrock: Irish Academic Press, 1990), 57–60, 98–100.

⁵⁶ This contestation can be seen most powerfully during the era of the so-called "Cat and Mouse Act" (Prisoners [Temporary Discharge for Ill Health] Act 1913), which allowed the government to release suffragette hunger strikers from prison, then to re-intern them once they recovered their health.

in courts for the purpose of going to prison. [...] Prison was the goal; as one suffragette arrested for obstruction responded, disappointedly, upon being discharged, ‘But I have no wish to be discharged.’⁵⁷

In their quest for prison, the suffragettes exploited a narrow window of opportunity. An authoritarian regime (like the contemporaneous Russian Empire) offers many routes to prison but limits access to public opinion. A citizen in a democratic society who desires a prison sentence is likely to have to resort to violence or sabotage; mere public disturbance, if not simply tolerated, may well be misunderstood as the erratic, nonpolitical behavior of the insane. In order to make themselves fully recognizable political prisoners, the suffragists needed not only a coherent cause and an unfettered media, but also a cooperative regime, one that could see them as sufficiently dangerous to incarcerate while being unable to silence them or suppress information about them, and unwilling to imprison them for long periods. Only under such circumstances could Mary Leigh and Charlotte Marsh clamber to the roof of a building in Birmingham where Prime Minister Herbert Asquith was speaking, in September 1909, and proceed to break apart the roof slates with an axe, hurling the pieces to the street below. The act itself might have been possible anywhere, but would have been either unintelligible or punished with severity. The WSPU could be confident that Leigh and Marsh would soon land in prison, where they could flout institutional rules in the prison cell as they did on the rooftop. The WSPU published an account of Leigh’s hunger strike while she was still behind bars. This formula, adapted to different parameters, has served political prisoners around the world ever since.⁵⁸

The British suffragettes developed a clear set of practices for advancing one’s politics within the prison. The British state, in turn, found it difficult to respond. Home Secretary Herbert Gladstone’s decision to have suffragette prisoners force-fed only helped the women’s public campaign.⁵⁹ The suffragette model of protest in the streets and in the prisons crossed easily to Ireland, where Mary Leigh herself was among those arrested and imprisoned. The model also found an eager student in Mohandas Gandhi. The passive resistance movement in the Transvaal, of which Gandhi was the most visible actor and most impassioned advocate, developed nearly simultaneously with the suffragists’ campaign of civil disobedience. Both the British regime and the Indian activists drew lessons directly from the struggle over women’s suffrage.⁶⁰

⁵⁷ Sophia A. van Wingerden, *The Women’s Suffrage Movement in Britain, 1866–1928* (New York: St. Martin’s Press, 1999), 87.

⁵⁸ For an analysis of the suffragettes in prison, see June Purvis, “The Prison Experiences of the Suffragettes in Edwardian Britain,” *Women’s History Review* 4, 1 (1995): 103–33; and Grant, “British Suffragettes.”

⁵⁹ Elizabeth Crawford, “Police, Prisons and Prisoners: The View from the Home Office,” *Women’s History Review* 14, 3–4 (2005): 487–505, here 500–1.

⁶⁰ On Gandhi and the suffragettes, see Grant, “British Suffragettes,” 142.

In August 1906, the British government in the Transvaal and Natal provinces issued a draft of what would become the Asiatic Registration Act, which required all Asians (principally Indians, though the Chinese community was also affected) to re-register and acquire passes similar to those a law of the year before had required of black Africans. The Act was put forward as Gandhi was campaigning for the restoration to Indians of the right to vote, which they had lost in 1894. Gandhi denounced the proposed legislation, calling it the “Black Act,” and in a speech to the Hamidiya Islamic Society on 11 September he urged his listeners not to register and pledged to go to prison himself rather than do so.⁶¹ Two days later, at the Empire Hotel in Johannesburg, assembled members of the British Indian Association were reminded of a recent, similar confrontation with the “Boer Government,” when several dozen traders arrested for lacking a license declined to post bail and went to prison. Hajee Habib urged support of a resolution pledging the same tactic, and provoked applause with the cry, “The time has come to go to gaol, and go we will.”⁶²

As Gandhi pondered this act of civil disobedience, the example of the suffragettes was clearly on his mind. That October Gandhi was in London, where the British Indian Association had sent him to lobby, and he wrote a letter to H.S.L. Polak, editor of *Indian Opinion*, in which he enclosed news clippings about the suffrage campaign. He followed up with a column for Polak’s paper, entitled “Deeds Better than Words.” Recounting stories of imprisoned suffragettes, he remarked: “They are bound to succeed and gain the franchise, for the simple reason that deeds are better than words. Even those who laughed at them would be left wondering. If even women display such courage, will the Transvaal Indians fail in their duty and be afraid of gaol? Or would they rather consider the gaol a palace and readily go there? When that time comes, India’s bonds will snap of themselves.” “Going to gaol,” he wrote elsewhere, “is a unique step, a sacred act, and only by doing so can the Indian community maintain its honour.”⁶³

In Gandhi’s thinking, collective honor adhered to an individual act, an inwardly cleansing experience. This act was a mark of having become a political person. One might even say, considering that the suffragettes often linked the vote to assertion of citizenship, and that Gandhi had also been fighting for the restoration of suffrage, that imprisonment itself (and torture as well, in the case of the suffragettes) established a particular relationship with the state. When a state, whether democratic Britain, authoritarian Russia, or

⁶¹ “Speech at Hamidiya Islamic Society,” doc. 308 in *The Collected Works of Mahatma Gandhi* [hereafter CWMG], vol. 5 (Delhi: Ministry of Information and Broadcasting, 1958–84), 332.

⁶² “Johannesburg Letter,” *Indian Opinion*, 22 Sept. 1906, doc. 324 in CWMG, vol. 5, 359–60.

⁶³ “Deeds Better than Words,” *Indian Opinion*, 24 Nov. 1906, doc. 383 in CWMG, vol. 5, 431–32; “The Duty of Transvaal Indians,” *Indian Opinion*, 6 Oct. 1906, doc. 344 in CWMG, vol. 5, 384.

colonial South Africa, ignored groups or denied them civil and political rights, members of those groups could seek recognition and try to force a different politics by entering the one state institution that would welcome them.

Gandhi found plenty of models for the simple act of going to prison, and in his essays for *Indian Opinion* he cited many historical precedents such as Henry David Thoreau and the English dissenters of the seventeenth century. The suffragettes, though, provided the closest parallel of an entire cause represented in the prison “palace.” But how did such a political community reconstitute itself in the prison cell? How should an individual or a group experience prison so as to create a politics in prison? Gandhi does not seem to have considered these challenges before going to prison himself.⁶⁴ Prison might be a palace, a garden, or a sacred space, but what one did there was still a mystery. The Asiatic Registration Act took effect on 1 August 1907, and the first “passive resister,” Ram Sundar Pundit, a Hindu priest who had intentionally remained in Germiston after the expiry of his permit, was arrested in November and sentenced to one month in jail. By this time Gandhi and others were already picketing registration offices, and the priest’s arrest brought a strike by Indian shopkeepers, more pickets, and more arrests.

The problem for Gandhi was that while the arrest of a respected priest provided the movement excellent propaganda and inspiration, they at the same time lost a leader. During his weeks in prison, Ram Sundar Pundit acted more like Henry Hunt: he offered to those outside messages of encouragement, but no new politics. He reported that he was reading poems about prison-going that had been composed for a contest sponsored by *Indian Opinion*, and he assured his readers, “There is no hardship in gaol. I see even women here. No one should feel anxious on my account. I feel as if I am in a palace.”⁶⁵ He played the role of an imprisoned political well, but Gandhi knew from his observation of the British suffragettes that a political prisoner—even if remaining a passive resister—was something more. As inspiring as he continued to find the suffragettes, Gandhi nevertheless recoiled at the violence and aggression of their campaign. He developed the idea of *satyagraha* (“truth force”) as an alternative. *Satyagraha* raised the bar for the would-be political prisoner. In it, throwing hammers, breaking windows, or even resisting one’s captors seems inappropriate since force resides only in the rightness of one’s

⁶⁴ Gandhi did think a little about the practicalities, addressing common concerns in essays in *Indian Opinion*. See, for example, “Johannesburg Letter,” *Indian Opinion*, 20 July 1907, doc. 48 in *CWMG*, vol. 7, 68, in which he discusses whether newspapers will be available in prison. In other articles he discussed the mechanics of protest but stopped at the prison gate. See, for example, “Some Questions,” *Indian Opinion*, 20 Oct. 1906, doc. 353 in *CWMG*, vol. 5, 396–98; and “Johannesburg Letter,” *Indian Opinion*, 27 Apr. 1907, doc. 355 in *CWMG*, vol. 6, 406–11. On the campaign in general, see Maureen Swan, *Gandhi: The South African Experience* (Johannesburg: Ravan Press, 1985), 126–52.

⁶⁵ “Johannesburg Letter,” *Indian Opinion*, 5 Oct. 1907, doc. 197 in *CWMG*, vol. 7, 240.

beliefs. The nonviolence central to *satyagraha* required one to think carefully about one's relation to the carceral institution.

That December, the Transvaal government began arresting non-registered Indians, including leaders of the resistance movement, detaining some two thousand within a few weeks.⁶⁶ On 10 January 1908, Gandhi himself received a sentence of two months imprisonment in the Johannesburg Fort. In his autobiography he refers to this inaugural experience only in passing, and to later incarcerations in South Africa not at all. He presented a full account only in a series of articles he wrote for *Indian Opinion* upon his release. Like Ram Sundar Pundit, Gandhi was cautious in his early prison reports. He described the criminal inmates (with some distaste), the prison layout and conditions, and the administration's treatment of its new charges. He clearly desired to calm the fears and steel the resolve of the hundreds who, he hoped, would follow him to prison if only they could be sure what to expect.

Gandhi used the occasion to work through his idea of *satyagraha*. For example, he reconsidered the problem of prison food from the perspective of resistance and personal cleansing that he had argued prison promised. The Indian prisoners found they were classified with the "Natives" in prison, and made to wear an "N" on their clothing and eat their rations of mealie meal and plain boiled vegetables. White "European" prisoners received bread, porridge, meat, and soup regularly. After Gandhi submitted a petition on behalf of nearly one hundred prisoners to the director of prisons, the Indians were granted permission to receive bread and other items, and to cook and spice their own food. Yet Gandhi wondered: did this "point ... to a deficiency in our satyagraha"? Prison by its nature presented many hardships, and "if there were no hardships, what would be the point of being imprisoned?"⁶⁷ Precisely: Gandhi now recognized that there *was* a point to being imprisoned—a purpose for the prisoner, that is, beyond the state-ordained purposes of punishment and rehabilitation, and beyond the opportunity to manifest martyrdom. How could the static become dynamic? Did the struggle for better food, won thanks to Gandhi's skills as a lawyer and writer, negate that purpose or strengthen it? Such questions resonate throughout the twentieth-century history of political imprisonment. Gandhi began to think about them only weeks after he first emerged from prison.

The archives suggest that Gandhi was torn between the human desire to make his stay in prison as comfortable as possible and his belief in the value

⁶⁶ Swan, *Gandhi*, 142.

⁶⁷ "My Experience in Gaol, III," *Indian Opinion*, 21 Mar. 1908, doc. 108 in *CWMG*, vol. 8, 217–19 (quote on 219). Gandhi saw the fear of hardship as a national shortcoming, concluding, "Nations which have progressed are those which have given in on inessential matters" (p. 220). On the development of *satyagraha*, see Paul F. Power, "Gandhi in South Africa," *Journal of Modern African Studies*, 7, 3 (1969): 441–55, here 452; and Mohandas K. Gandhi, *Satyagraha in South Africa* (Stanford: Academic Reprints, 1954).

of hardship. While he accepted that the travails of prison life contributed to personal growth and reflection, he seemed less certain how to use them as part of the political struggle itself. His first two-month sentence ended after just three weeks, when Colonial Secretary of the Transvaal Jan Smuts granted concessions on registration. The compromise broke down by May 1908, and protests escalated to include the burning of registration cards. Rearrested in October, Gandhi served two months in prison, and a third term of three months followed in February 1909. The Indian prisoners were now assigned to hard labor, most of it outside the prison and thus more or less in public, at least while they were in transit. It had been one thing to adapt to the rules of the “prison palace,” but did this extend to labor as well? Work in prison could be imagined as either liberating or confining, as a submission to authorities or an assertion of one’s humanity. Work, again, also eroded the difference between oneself and non-political prisoners. Gandhi’s dilemma was made more difficult by the fact that, like the suffragettes, the *satyagrahis* did not claim to reject the state as such, but merely refused to obey certain of its laws. “We bear no ill will to the Government,” he wrote after his second imprisonment. “We do not regard it as an enemy. If we are fighting it, it is with a view to correcting its errors and making it mend its ways. We would not be happy to see it in difficulties.”⁶⁸ At this point, he seems still surprised to be part of a prison drama, but he was beginning to realize both the potential and the obligations of imprisonment.

A minor scandal erupted in the Johannesburg press (and even, briefly, in the British House of Commons⁶⁹) during Gandhi’s third imprisonment, when he was brought to Johannesburg by train to testify in another’s case and made to walk from the station to the nearby prison in handcuffs. His colleague H.S.L. Polak fired off an outraged letter to a friendly journalist that listed a number of indignities suffered by Gandhi, including that he was “marched through the streets under escort, in full public view, handcuffed.” The office of Prime Minister of the Transvaal Louis Botha, squeezed from both sides, responded to the official queries by asserting that this was normal practice, but that “Mr. Gandhi was however allowed to draw his sleeves over his handcuffs and to carry a book, which concealed the fact of his being handcuffed.” Gandhi explained the matter differently to his readers: “Thinking probably that I felt ashamed of the handcuffs, [the warden] asked me to hold the book with both hands, so that the handcuffs might not be seen. I was rather amused at this. To me the handcuffs were a matter of honour.” He added that the book happened to be Tolstoy’s *The Kingdom of God Is within You*, implying

⁶⁸ “My Second Experience in Gaol, III,” *Indian Opinion*, 16 Jan. 1909, doc. 155 in *CWMG*, vol. 9, 253.

⁶⁹ See Earl of Crewe, memo to Lord Selborne, 24 Apr. 1909, NASA GOV 1193 15/1/58/09.

that the incident afforded him an opportunity to reflect upon his own personal growth rather than to publicize his plight.⁷⁰

We cannot know which of these versions is truest, but we can see in them a negotiation over the politics of the prison that sets the terms for the century ahead. What value does the imprisonment of political figures bring to a regime? Is it enhanced by having them appear in public, and if so, should they be humbled and constrained, or treated with respect? How is a prisoner like Gandhi different from “ordinary” prisoners, and why is this distinction important? How should a prisoner who aims to call attention to a cause behave—does one brandish one’s handcuffs (real or figurative) or hide them? Versions of these questions recur constantly in the twentieth century, and it is striking to find the most famed non-violent protester of his times giving such uncertain answers. Gandhi files petitions to assert the right to different treatment, while reflecting later that it is more proper to accept the hardship that prison deals out. The authorities assure each other and the public that Gandhi is afforded every appropriate accommodation in prison, while also endeavoring not to differentiate in favor of or against the Indian prisoners.

Prisons are institutions that impose certainty and regularity upon their inmates, and yet whether they were preparing food, cleaning toilets, clearing roads, or traveling under escort, these prisoners both produced and experienced uncertainty. Gandhi may have been vexed by his inability to accept what prison offered, but nonetheless found he could not. He and his fellow *satyagrahis* protested the food while demanding respect for Ramadan, the right to sacred clothing and beards, access to visitors, and so on. They objected to being forced to strip naked upon arrival in the prison, and complained that protests were dealt with brusquely.⁷¹ It seemed that every instance of rough or coarse handling, especially of Gandhi himself, occasioned a letter to the press or to officials at all levels. Both sides suspected dishonesty. The British Indian Association complained that the regime had made “every effort ... to insult and humiliate Indian prisoners who ... for the sake of conscience, prefer to accept the penalties of the law.”⁷² Lord Selborne, governor of the Transvaal, observed in turn, “Mr. Gandhi, when he voluntarily sought imprisonment, did so of course knowing that he could not expect treatment in any way different from that

⁷⁰ H.S.L. Polak, letter to D. Pollock, 27 Mar. 1909, NASA GOV 1193, 15/1/42/09; Transvaal Prime Minister Louis Botha, minute 223, 21 May 1909, NASA GOV 1193, 15/1/61/09; Gandhi, “My Third Experience in Gaol, II,” *Indian Opinion*, 5 June 1909, doc. 215 in *CWMG*, vol. 9, 356.

⁷¹ See, for example, “Memorandum on Indians in Prison,” n.d., NASA GEV 4/141; and Sir M. M. Bhowanaggee, letter to Undersecretary of State Lord Crewe, 31 Dec. 1909, NASA GOV 1234, 15/1/7/10.

⁷² A. M. Cachalia, chair of Transvaal British Indian Association, letter to Governor’s Office, n.d. (ca. late Dec. 1908), NASA GOV 1192, 15/1/6/09. Gandhi himself suggested as much, according to H.S.L. Polak; see his letter to D. Pollock, 27 Mar. 1909, NASA GOV 1193, 15/1/42/09.

accorded to other prisoners.”⁷³ Neither side was being fully honest, since each embraced the difference of these prisoners while also insisting on their conformity.

In May 1910, Lord Selborne departed South Africa as the Transvaal became part of the Union of South Africa. His successor in the new office of governor general, Herbert Gladstone, was soon greeted by a memorandum from the South African prime minister’s office assuring the governor general that “the so-called Indian passive resisters are not differentiated against in the Transvaal prisons. They are, however, constantly complaining.”⁷⁴ Seeking to extricate his administration from this impasse, Gladstone realized that repercussions reached not only back to the British Parliament, but also across the British Empire to India. He sympathized with the Union government, which had constantly to defend its penitentiary practices in the face of “the general ignorance of the public in prison matters, and the usual tendency to disbelieve and discount official statements,” and, he might have added, given the access these prisoners had to a free press. Gladstone had a reputation of being a weak administrator; his arrival in Pretoria was a clear demotion from the position of home secretary, which he had left under a cloud (in which his handling of the suffragette challenge played a role). Yet that position had given him “practical experience of prison responsibility,” he wrote to Prime Minister Louis Botha, since “the same situation arose on the prison treatment of the suffragettes.”⁷⁵

Thus, just as had Gandhi, Gladstone turned to the suffragette precedent to understand how the modern political prisoner challenged the state. He, too, observed that prisons had to be governed by general rules, and that political prisoners were particularly well equipped to demand exceptions to those rules. He advised against the tactic of adamant refusal to negotiate. Instead, administrators should “admit the desirability” of any demand, and either adopt it or show concretely why it simply was not possible. Prison administration, he continued, had tied itself in knots trying to avoid the accommodation of Ramadan or complaints about “polluting” prison tasks. He proposed that the only relevant test of any demand was, “Is the particular prison treatment necessary and justifiable.” Honesty and clarity, he argued, would “completely outflank ... the attack.” Although Gladstone had not been so successful in dealing with the suffragettes—his proposal to treat them differently, implemented by the next home secretary, Winston Churchill, only encouraged

⁷³ D. O. Malcolm (for Lord Selborne) to D. Pollock (responding to the letter by H.S.L. Polak [see note 70]), 27 Mar. 1909, NASA GOV 1193 15/1/42/09.

⁷⁴ Office of the Prime Minister, minute 123 to Office of the Governor-General, 29 June 1910, NASA GG 886 15/13.

⁷⁵ Gladstone, letter to General Botha, 3 Oct. 1910, NASA GG 887, 15/51, 2, 7.

resistance⁷⁶—he was the first in the South African administration to perceive correctly the nature of the contest. Gladstone realized that prison rules were only a means to control and not an end in themselves. Gandhi had reached the same conclusion, and incorporated it into his concept of *satyagraha*.

The battle Gladstone referred to was hardly over in the Transvaal and Gandhi and his followers would continue to court imprisonment for another three years, with varying success.⁷⁷ Black Africans who opposed the analogous pass laws would take up that struggle, intermittently, for the next eight decades.⁷⁸ Gladstone's precepts would be unacceptable to many of the incarcerating regimes of the twentieth century, and Gandhi's ruminations on accepting hardship would eventually be recognized as insufficient to the struggle with the more violent states to come. Yet by 1910, in the very center of industrial, democratic Europe, on its autocratic peripheries, and in its colonies, the basic relationship between the political resister-turned-inmate, and the state that sought to sequester and control such opponents, had taken shape.

Abstract: The political prisoner is a figure taken for granted in historical discourse, with the term being used broadly to describe any individual held in captivity for oppositional activities. This article argues for understanding the political prisoner, for whom prison becomes a vehicle of politics, as the product of modern states and political movements. The earlier practices of the "imprisoned political," for whom prison was primarily an obstacle to politics, gave way to prisoners who used the category creatively against the regimes that imprisoned them. Using the cases of Polish socialists in the Russian Empire, Fenians in Ireland, suffragettes in Britain, and *satyagrahi* in British South Africa, this article explains how both regimes and their prisoners developed common practices and discourses around political incarceration in the years 1865–1910.

⁷⁶ W. J. Forsythe, *Penal Discipline, Reformatory Projects and the English Prison Commission 1895–1939* (Exeter: University of Exeter Press, 1990), 108; Radzinowicz and Hood, 1471–72.

⁷⁷ In October 1913, the *Rand Daily Mail* reported "eleven ladies—six with babies in arms" who courted arrest by selling wares without a license had been sentenced to three months' hard labor and "received their sentences smilingly." Clipping in files of the Governor-General, NASA GG 897 15/496. On Gandhi's changing tactics as the struggle continued and the Indian community became generally less eager to go to prison, see documents in NASA GG 897 15/480; and Swan, *Gandhi*, 226–54.

⁷⁸ See Julia C. Wells, *We Now Demand! The History of Women's Resistance to Pass Laws in South Africa* (Johannesburg: Witwatersrand University Press, 1993).