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Manju Ludwig

‘It has already been found necessary in the cause
of morality, and for the purpose of preventing
murderous assaults, to separate the younger
prisoners who are known to be habitually given to
unnatural offences’.¹

- 1 The British colonial regime in South Asia displayed many instances of anxiety, ranging from concerns about racial separateness to the contestation of exclusive claims to political power.² Cases of resistance against imperial agendas from outside or even within the colonial machinery were almost daily occurrences. In many realms of colonial decision-making processes were delayed for months if not for years, different administrative layers of the colonial regime debated various topics controversially and did not agree on a joint output, and local officers refused to implement central orders. Colonialism in South Asia was thus far from being a hegemonic or straightforward endeavour.
- 2 Anxieties of a subtle and more complex nature existed as well. One of them was produced by the colonial concern with the regimentation of dissident sexual behaviour. Colonial officers felt the need to think about instances of same-sex sexuality, sexual violence, prostitution or pederasty because they were confronted with these phenomena in their respective colonial positions. The category of homosexuality was quite novel in late 19th century Europe³ and thus the imprecise term *sodomy* was deployed to denote a variety of dissident sexual behaviours, ranging from same-sex intercourse over masturbation to birth control (Bullough & Voght 1973: 143). This terminological inaccuracy induced Michel Foucault to characterise sodomy as ‘that utterly confused category’ (1990 [1976]: 101). The colonial regime, which was deeply imbedded in European and Victorian discourses on sexuality, hence struggled to talk about same-sex behaviour as well.⁴ Terms

were intermingled and confused, used vaguely and ambivalently by various actors in varying colonial realms as in the European context itself. Novel, but not always coherent sexual categories were produced along the way, and the colonies played an important part in their development.⁵

- 3 Anxiety surrounding same-sex behaviour manifested itself in a spatial dimension and the Andaman and Nicobar Islands were one such concrete place of colonial anxiety. In this paper I want to analyse the unsuccessful colonial attempts to regiment same-sex behaviour in the penal settlement in the Andamans throughout the full period of its existence from 1858-1945 and the anxieties accompanying them. By means of a historical discourse analysis the colonial archive on 'unnatural vice' in the Andamans will thus be examined.
- 4 The paper will focus on one specific type of historical source from the colonial archive in which the topoi of sodomy, jealousy and violence figure prominently: the judicial files concerned with acts of murder (by convicts against fellow convicts) in the penal settlement of the Andamans. The narrative in these files elucidates the incoherent ways in which colonial officials of different ranks tried to rationalise the phenomenon of same-sex behaviour by employing (pseudo-)scientific theories of criminality, race and climatic determinism. This documentary corpus predominately represents an official colonial perspective and might be understood as a marginal debate; but especially in the case of the Andamans the discourse on same-sex behaviour occupied a relevant place in broader considerations and has the potential to illuminate more general colonial mechanisms of surveillance and power.⁶

The colonial penal regime and the penal settlement of the Andamans

- 5 The jail as opposed to other forms of punishment, such as public torture, gained importance as the main colonial technology of disciplining since the 1790s, but both systems co-existed in the colonial realm until its very end.⁷ The jail system in the British Raj in particular had to come a long way until it could call itself a reformed, 'coherent' system of jails—and many scholars and even colonial officials doubted it ever was one—and the process of the expansion of this spatial disciplining regime was accompanied by many debates and attempts to reform it.⁸ Since the 1830s colonial officials pursued the project of establishing an all-Indian jail system with more decisiveness. This process was backed up by the process of the codification of a 'unified' penal law, with the introduction of the Indian Penal Code in 1861 as its climax.
- 6 The penal settlement of the Andamans, which was established in 1858 after the Mutiny to accommodate the 'habitual and specially dangerous criminals'⁹ as well as political prisoners of the British Raj, was until its disbandment in 1945 the object of even more debates than the ordinary jails among colonial officers intent on devising a satisfactory penal regime for British India.¹⁰ The penal colony in the Indian Ocean had been excoriated for its many defects such as high mortality rates, inefficient labour system, lack of discipline among convicts as well as the lack of deterrence. Many of these points of criticism originated in the difference in penal spatial arrangements and monitoring possibilities: while the ordinary mainland prisons were spatially more controllable, the layout and organisational form of the penal settlement in the Andaman Islands allowed

much more scope for forbidden activities, especially in the initial years. Hence various recommendations for reform had been voiced over the years both from within the colonial regime as well as by outsiders.

- 7 Different Superintendents impressed their differing philosophies of what kind of punishment the convicts should await in the penal settlement and the specific form of penal daily life varied accordingly. There were those Superintendents—especially in the first years of the settlement—who thought the act of transportation and being snatched away from one's original social background was punishment enough. Others lamented the relatively large freedom of convicts on the islands and came up with ideas of making the settlement more deterrent. All of them were concerned with the maintenance of 'basic morality' among the convicts.

A concise history of the 'unnatural vice' in the colonial penal settlement

- 8 One of the frequent criticisms voiced with regard to the Andamans concerned the exceptionally high number of alleged cases of 'unnatural vice' among the largely male convict population for which the Andamans had become infamous. Even though the Port Blair officials never became tired of stressing that the risk of these 'evil habits' existed in every Indian jail and was not unique to the Andaman settlement,¹¹ the disrepute of being a space of absolute immorality was highlighted in all the reports on the Andaman settlement and the allegation that the 'unnatural vice' originated there and spread to other 'unpolluted' areas through its convicts never quite wore off.¹² The penal settlement possibly gained this doubtful reputation and attracted more attention in official discussions on sodomy, although other penal spaces were considered equally affected, because of the specific nature of deportation as well as the early nationalists' interest in the islands.¹³
- 9 The narratives of sodomy in the penal settlement posed a problem for the British regime since they contradicted and undermined the colonial claim to moral and civilizational reform in the penal settlement.¹⁴ Even though most of these debates were fought out internally among colonial officials, there was some degree of British and Indian public interest in the topic of 'unnatural vice' in the penal colony which intensified when the Indian nationalist movement gained importance and the Raj was criticised more vehemently in the 1920s.
- 10 As early as in 1870 a discussion arose among colonial officials about convicts' same-sex behaviour and possible remedies. One of the first Superintendents, Colonel H. Man, wrote in November 1870 to the Secretary of the Government of India, E.C. Bayley, alluding to the danger of an all-male penal settlement and proposing to 'provide' women for the Nicobar settlement.¹⁵
- 11 His successor General Stewart resumed the discussion on how to put an end to 'unnatural crime' one year later. He stated that the question was 'not restricted to the case of the Nicobars alone', but applied 'in equal force' to the Port Blair Settlement, thus being a pan-penal settlement problem.¹⁶ Stewart proposed 'strict supervision coupled with the encouragement of marriage' in order to fight the 'unnatural crime', while also toying with the idea of arranging for a 'supply of public women' as it was practiced in the military cantonments of the British Raj at this time in order to prevent same-sex relations

among soldiers.¹⁷ Even though he put the question on his agenda, he was rather pessimistic about a possible colonial solution for this specific phenomenon:

It is, however, very certain, although we may shut our eyes to the fact, that unnatural crime will prevail more or less among convicts herded together in large numbers, and under barrack arrangements which render attempts at its detection and suppression inoperative and almost impossible. Without entire segregation, the commission of this particular crime can only be suppressed with the assistance and the general consent of the convicts themselves, but public opinion is at such low ebb among them that much reliance cannot be placed upon the aid to be derived from that quarter.¹⁸

- 12 The coming years would prove him correct. The Government considered Stewart's proposal to introduce regimented prostitution to Port Blair and the Nicobars, but never implemented it.¹⁹ Instead different initiatives to ensure the increase in the female population were experimented with. In the beginning, male self-supporters²⁰ were encouraged to bring their wives and families with them, but this did not appear attractive neither to convicts nor to their family members due to the bad reputation of the penal settlement.²¹
- 13 Other remedies meant to fight 'unnatural crime' were debated as well. In 1880 a committee, which was installed in order to look into the shortcomings of the penal colony on the Andaman Islands, recommended to raise the age limit for convicts undergoing transportation to the Andamans from 18 to 25 and to exclude convicts whose character warrant the belief that they practice unnatural crime' altogether. The committee also advocated a stricter vigilance regime in order to suppress the 'revolting practice' by improving the lighting of the prisoner's barracks through a 'better kind of lamp [...] in which cocoanut-oil will be used'.²² The central government disregarded the committee's apprehensions and refused to implement their recommendations, reminding the Port Blair officials that the mainland jails in India were overcrowded and could not manage to receive additional convicts. The Government of India rated the pointed-out dangers as 'not sufficiently serious' and recommended instead that in cases of 'unnatural crime' the Port Blair officials should resort to flogging, as a 'sound flogging in public in such cases, especially in the cases of the younger men, would tend greatly to put down the nefarious practice'.²³
- 14 Ten years later it was nevertheless found necessary to enlist another committee to look into the affairs of the penal settlement. C. J. Lyall of the Bengal Civil Service and Surgeon-Major A.S. Lethbridge, who was Inspector General of Jails in Bengal, submitted their report in April 1890 and it decried again the existence of 'unnatural offences'. The report came up with two different approaches to suppress the crime. Firstly, it argued that separation of offenders could successfully put an end to same-sex behaviour. This separation was to be realised through the visual setting apart of those prisoners 'habitually given to unnatural offences' by them 'having to wear coloured coats' as well as by means of spatial separation.²⁴
- 15 Spatial segregation was not an easy task to accomplish as there was no cellular jail structure in the penal colony at that time and convicts would work together in large groups during the day anyway. To suppress the vice at least during night hours, the Lyall-Lethbridge report underlined the necessity to isolate 'incorrigible prisoners' from each other at night in cubicles or cells. Due to the financial restraints of the colonial regime, building of cells on a large scale was impossible and so different officers with engineering talent experimented with a novel, explicitly colonial technology of disciplining deviant

convicts—the Indian cubicle. The cubicle was an iron cage that was to be installed in large wards so that the jail warders could ensure separate confinement at night. Colonial officials hoped that this form of panoptic visibility²⁵ of the immoral prisoners would serve as a remedy against the sexual vice, but construction and delivery of the cubicles only moved at a slow pace and the Cellular Jail was built before the cubicle-scheme could be implemented. The second and main recommendation of the report was to transport female term-convicts to Port Blair to balance the gender disparity and thus discourage male-male sexual relations.²⁶

- 16 The long-awaited cellular accommodation for prisoners took on shape when the building of the Cellular Jail in Port Blair began in 1896. It would take nine years until the prison's completion and was only possible because labour force was extracted from the convicts. One of the groups employed for the prison-project was the so-called 'catamite gang', which consisted of 'habitual offenders' who were also among the first to be detained in the already completed cells of the new jail by order of the Superintendent even before 1905. Thus sexual deviants were among those who had to build this jail, which later became a national symbol for colonial oppression, and also the first to be imprisoned in it (Weston 2008: 225-6).
- 17 That the scandal of 'immorality among the convicts' would not just vanish after the completion of the Cellular Jail already became clear in 1905 when the question of abolishing transportation altogether resurfaced. Different opinions regarding the benefits and shortcomings regarding transportation had been articulated since at least 1899 by various officials and one reoccurring reason for dismissing it was the irrefutable existence of 'unnatural vice'. In echoing Stewart's doubts expressed in 1871 about the possibility of a successful prevention of the crime in the penal settlement H.G. Stokes observed more than 30 years later while arguing for the abolition for the settlement:

The instances cited above indicate that the evils referred to [*i.e.* immorality among the convicts] are real and probably extensive. The reasons have been already touched on: the opportunity is found in the herding of men together in barracks at night in charge of no one but convict officers who probably value their own safety too highly to insist on any really strict supervision. Nor is it possible to construct for the majority of the gangs barracks so fitted as to correct this [...].²⁷
- 18 The resigned official touches in this statement on another relevant reason why absolute colonial surveillance was bound to fail in the Andamans—the employment of convict officers as an important pillar in the penal settlement's regime. Convict officers were generally seen as easily corruptible persons, who were in some of the cases even the suspected 'active parties' in the commission of the 'unnatural crime'. The necessity of employing convict labour gangs, which roamed around on the islands and did not stay in the jails, complicated the matter even more. The importance the Andaman and Nicobar Islands and its cheap convict labour held for the colony as a whole prevented the regime from abolishing transportation even though criticism from within the colonial government as well as from public voices grew.
- 19 Before another much debated all-Indian report on colonial jails would raise the question of the abolition of the penal colony on the Andaman Islands more vigorously in 1921, there was another precarious topic that concerned Port Blair officials with regard to same-sex behaviour in the settlement: the supposed intertwining of cases of sodomy and murders by convicts against fellow convicts.

Murder in the Andamans: narratives of sexual deviance in the colonial archive

- 20 When the 1880 committee report lamented the existence of ‘unnatural crime’, it justified their critique of this form of sexual deviance by connecting it intrinsically to the ‘occurrence of murders and other heinous crimes in the Settlement’.²⁸ This alleged causal link between ‘unnatural offences’ and cases of murder was based mainly on surmise but would develop a persistent life of its own.²⁹
- 21 The Lyall-Lethbridge report of 1890 mentioned above also rested its concern about convict morality mainly on the felt need to prevent murderous assaults in the penal settlement. But Lyall and Lethbridge went one step further and declared that ‘the excessive disproportion of the sexes which exists at present lead, directly or indirectly (by encouraging unnatural vice), to nearly *all* of the murders and attempts at murder which occur annually’.³⁰ H.G. Stokes assumed this correlation in a more cautious manner in 1906 when he stated that ‘it *not infrequently* happens that murders committed by life-convicts are traceable to the indulgence of them [practices of unnatural vice]’.³¹ Given the speculative and often even defamatory character of this alleged connection between the drive to murder and sodomitical practices it is impossible to give reliable quantitative information on the topic, but the colonial archive reveals an astonishing tendency and readiness among judicial decision-makers to invoke jealousy between male lovers as a motive for murder.³²
- 22 Various motives were evoked by British judges to understand murder between convicts with an alleged background of ‘unnatural crime’. Not always was the cause for the murder interpreted as being the simple commission of an ‘unnatural offence’. Often the colonial officers made sense of the relationship between the offender and the victim by describing it as a somehow romantic love affair which fell apart, after which one of the lovers would be put into a state of jealousy, which finally triggered the murderous assault. Instances of economic motivations behind these supposedly romantic partnerships, which could have been interpreted as various forms of prostitution, and even the existence of sexual violence between the respective convicts are referred to by the judges, but they hardly ever elaborate on these possibly asymmetrical characteristics of the same-sex relationships. Another possible motive for murder, which was often alluded to, was vengeance by the offender for having been defamed by the victim as a sodomist.
- 23 In the following section two murder cases from 1916 and one from 1919 will be examined in order to show exemplarily how the displayed motifs of murder, sodomy, and violence triggered by jealousy were interwoven into the colonial narrative of the scandalous Andamans.

Apser Ali

- 24 Apser Afsar Ali, no. 29910 came to Port Blair in 1907 being convicted of murder under section 303 of the Indian Penal Code. He rose to the rank of a petty officer in the penal settlement but was sentenced to death by the Additional Sessions Judge for murdering another convict, a Burman named San Byu, in November 1916. What is relevant about this specific case is that it reveals the limited surveillance power of the colonial regime in the Andamans as well as its imperfect hiring policy with regard to convict warders and labour

overseers. Apser Ali killed his subordinate San Byu 'in the forests in the Middle Andamans where they were working, on the 21st September' because the 'deceased refused to allow him [Apser Ali] to commit sodomy with him'.³³ Due to this narrative the offender in his position as a petty officer was of the opinion to be allowed to extract sexual favours from his subordinates. Meanwhile, the colonial regime depended on and gave a huge amount of liberties to these petty officers in charge of small labour gangs at the margins of the penal settlement—in this case in the secluded forests in the Middle Andamans—and thus generated economic profit for their colonial masters in this function. One could argue that the colonial regime had a reason to reflect its complicity in these sexually charged and murderous assaults because it was responsible for creating asymmetrical convict relations and was also willing to compromise on surveillance over the convicts when it served an economic purpose. There is, however, no hint of self-criticism in the murder files. Instead, the accusation of sodomy alone is enough to explain the occurrence of murder, even when the allegation could hardly be proven correct. J.B. Leach, the Additional Sessions Judge, made mention in the judgment of dissenting testimonies, stating that 'the witness Bipat does not corroborate the Havildar's story that the Burman also gave this explanation [that the deceased refused to allow him to commit sodomy with him]', but disregarded this disagreement over the murder's cause by explaining rather presumptuously that 'convicts are usually very reticent about such matters'.³⁴ The offender's petition was finally rejected by G.M. Young in December 1916, Apser Ali hanged and the file closed with the final remark that the 'motive seems certainly to have been sodomy'.³⁵

Nga Shwe Yok

- 25 Nga Shwe Yok's story is one of jealousy. He was a life-convict, no. 30776, aged 29, was of Burmese origin and resided at Dundas Point. In June 1916 he was convicted of the attempt to murder under Section 307, Indian Penal Code and sentenced to death by the Sessions Judge. The judgement embeds the search for the reasons behind the murder into the narrative of a love triangle between three male convicts. The story was backed up by the offender's own testimony as well as by his petition, but uses a strikingly different terminology in order to describe the kind of relationship he had with the victim named Po Thit.³⁶ According to Nga Shwe Yok, he and the victim were lovers. He makes use of the concept of friendship to characterise their relationship. There is a rival to Nga Shwe Yok, Po Kin, with who Po Thit was 'on friendly terms' as well, and who allegedly threatened to kill both Nga Shwe Yok and Po Thit if they 'continued to be friendly'.³⁷ Additional Sessions Judge F.B. Leach notices in his judgment that 'whether sodomy had actually occurred or not it is impossible to say, but I think the accused was for some reason angry with Po Thit who preferred the company (innocent or the reverse) of other men to his own'.³⁸ He seems to be inclined to account for a possible case of jealousy in the offender's favour, but cannot 'accept the whole of the accused's story unsupported by any evidence'.³⁹ However, Officer Booth-Grovely, who was asked to confirm the death sentence for the central government, categorised this murder case as being clearly the outcome of a sodomy case:

This is clearly one of the three classes of murder, or attempted murder, common in the Andamans; it is in connection with jealousy [...] shown in the commission of unnatural offences. All the circumstances point to the propriety of the death sentence which I would accordingly confirm.⁴⁰

Balaka

- 26 Balaka's case is of relevance because his file not only refers to the act of sodomy as connected to murder but also sheds light on other dimensions of the same-sex relationship besides the sexual act. Life-convict Balaka, no. 33707, a Hindu of the *Patra* caste and a resident of Port Blair, was about 30 years of age when he was convicted of an attempt to murder Abdul Gafoor, his lover, with a *dah*⁴¹ under Section 307, Indian Penal Code and sentenced to death by the Additional Sessions Judge. His trial is another one in which the motive of jealousy is the main feature of the colonial contextualisation of the crime. It is worthwhile to quote at length from the Judgment by Additional Sessions Judge R. Lowis:

His version of the affair is that for a long time the complainant acted to him as the passive party in the commission of unnatural crime. In the course of time the complainant got from him all his money and valuable property after which he began to receive attention from a petty officer. Subsequently he actually caught the complainant in the act of committing unnatural crime (in the passive role), with another convict named Gopal. It was because, on the night preceding the assault, he heard that Gopal and another man named Karpa proposed to take the complainant into the jungle on the following day for purpose of committing unnatural crime, that he decided to take action in the matter. Accused states that he merely intended to disfigure complainant by cutting off his nose, which is a recognised method of punishing the offending party in love affairs of this kind.⁴²

- 27 Three aspects of this judgment are especially striking besides the fact that this attempt at murder was again only possible because the victim was working unsupervised in a coconut field. Firstly, one notices the reoccurrence of a petty officer who poses as the rival to the offender. Secondly, the exchange of valuable property and money is brought up in a very matter-of-fact way. While the judge does not elaborate on this economic exchange, which could raise the question of prostitution, the accused describes this exchange of valuables as gift-giving for which he could expect something in return: '[H]e was my friend and 'eat' 50 rupees which I had. I also used to give him presents, such as *lotas*, *degchies* large and small and *katoras* in return for which he was my '*chokra*'.⁴³ Even though there is a notion of an economic transaction, the accused's narrative also has an emotional side to it. He states that he was 'annoyed' when he learned that Abdul Gafoor had another sexual relationship, that he did not mind that he 'earned a bad reputation' due to his sexual inclinations and that he 'never regretted the expenses' for his lover.⁴⁴ Thirdly, when referring to the punishment of cutting of someone's nose, the judge conceptualises the two convicts relationship as a 'love affair'. The word 'love' is used more than once. The accused himself talks about love when he refers to the break-up with the victim by describing that he got annoyed with Abdul Gafoor when 'he fell in love with one Shah Mohamed, Petty Officer, and cut off all connection with me'.⁴⁵
- 28 The existence of a sodomitical relationship, which resulted in a fit of jealousy and thus triggered the attempt at murder, seemed to provide the judge with ample explanation for the background of the murder and consequently substituted a 'proper' burden of evidence. R. Lowis stated that the 'motive put forward by the accused is perfectly credible. It is unfortunately a very common one in Port Blair, in relation to a very large proportion of the violent crime which occurs in the Settlement; and in the vast majority of cases the motive is responsible, not for disfigurement, but for murder'.⁴⁶ But while the judge accepts jealousy in a case of a same-sex relation as a likely motive for murder and

rests the conviction and the death sentence on this understanding, the allegations against the other men involved, the petty officer Shah Mahomed and the convict named Gopal, are not taken up by the Superintendent of Port Blair, who states that '[n]o evidence on grounds for reasonable suspicion were obtained, and it did not appear to be in the interest of justice to take action against the parties referred to on the bare statement of the accused Bala Ram. Such accusations are not infrequently made by accused convicts from motives of spite'.⁴⁷ This double-standard in evaluating the importance of same-sex behaviour illustrates the incongruities and shortcomings of the colonial legal regime.

- 29 That it was quite common that murders in a supposedly reformatory realm such as the penal colony would happen at all was reason enough for anxiety, because it called into question the disciplining power of the colonial penal regime. Connecting those manifold cases of murder to dissident sexual behaviour can be thus interpreted as a colonial strategy to shift the blame for this scandalous, insecure and potentially unlawful state of affairs in the Andamans from the colonisers to the supposedly debauched and irreformable native criminal Other.

'Undesirable Pathans and Sindhis': Racial taxonomies, moral panic and the report of the Indian Jails Committee of 1921

- 30 In 1920 an all-Indian Jails Committee was appointed by the Government of India to look into the conditions of the colonial penal institutions. The members of the committee visited the jails, conducted interviews with prison officers, warders, convicts and native experts, collected statistical and other material on the various jails and finally came up with a six-volume report by October 1920. The report generally painted a very unfavourable picture of the colonial jail system, and the Government of India had a heated debate about what impact this negative report would have on the anyway unstable political situation. It feared that the report would feed into the rising nationalist critique of colonial rule and thus decided to publish only the first volume, which contained the committee's report, but not the five other volumes, which were the appendixes with the transcriptions of the interviews.⁴⁸
- 31 The Indian Jails Committee criticised the penal settlement on the Andamans in particular and concluded that it was a complete failure. One of the reasons for assessing the settlement so negatively was the existence of 'unnatural vice' and its connection to murder cases. The report described the phenomenon in very frank terms which prompted one central officer to state that 'the portion which deals with the Settlement is not pleasant reading'.⁴⁹ The report transformed the already existing anxieties into a full-grown moral panic among the colonial officers who feared politically motivated criticism and allegations of moral failure from outside the colonial regime.
- 32 The scandalous report called for immediate reaction and even before its publication the Superintendent of Port Blair was informed in January 1921 that temporary reforms and provisional measures were expected of him. The Superintendent M.W. Douglas proposed three temporary reform measures with regard to the necessary reduction in cases of 'unnatural vice'. Firstly, he suggested that no convict should be sent to the settlement whose conduct gave reason to believe that he was a practitioner of sodomy. The Government of India took up this first proposal and ordered all local governments in

January 1921 to stop sending those convicts 'whose conduct has been under suspicion in connexion with unnatural vice',⁵⁰ thereby putting an end to the previous legal modus operandi of transporting persons convicted under Section 377, IPC to the islands. The second suggestion was to alter the age limit of convicts at the time of transportation from 25 to 45, because the Superintendent believed that the 'unnatural crime' was predominantly committed by younger men. Not surprisingly, the central government did not find it feasible to implement that proposition because it would have reduced the labour force on the Andamans considerably. The third suggestion touched on the issue of who was believed to be inclined to the 'vice', and it thus enhances our understanding on how the colonial regime tried to make sense of and categorised same-sex behaviour. The Superintendent proposed to transfer all 'undesirable Pathans and Sindhis' from the penal settlement, because they were understood to be the main culprits in the exercise of the 'unnatural crime' and 'specially addicted to unnatural vices':⁵¹

It is certain that definite improvement would result from the elimination of the Pathan and Sindhi convicts, some of whom, for the purpose of a penal settlement cannot be regarded otherwise than as 'Moral Perverts'. Such men exercise a bad influence by their example, and it is improbable that they would import wives. If capable, and selected as petty officers, they acquire power, and frequently utilise it for the purposes of vice. If advanced criminals, they are so truculent as to render their control by other convicts practically impossible. I advise that measures be taken towards the transfer of all undesirable Pathans and Sindhis, and the importation of other classes in their places.⁵²

- 33 The central government was responsive to this suggestion and requested to be informed about the numbers of each class who would come within the terms of this definition.⁵³ H.C. Beadon replied in April 1921 that 'there is only one Pathan who is definitely proved to practice unnatural vice'⁵⁴ and the colonial regime ended up transferring one single convict to a mainland jail for the sake of immediate reform, thus proving the basis of this specific moral panic to be baseless.
- 34 The seemingly arbitrary conviction that Pathans and Sindhis were the main practitioners of sodomy is also mirrored in the report of the commission, which specified the respective characteristics of two groups by stating that '[t]he Pathans enjoy a bad pre-eminence as the active agents in the matter, while the Burman is generally reputed to be the passive agent'.⁵⁵ The groups the colonial penal regime affiliated with 'unnatural vice' were thus Pathans, Sindhis and Burmans. All three of these categories can be understood as a racial or ethnic entity and many of the colonial ideologies and governing techniques actually originated from such pseudo-scientific racial and ethnic taxonomies.⁵⁶
- 35 But it was not only racial or ethnic qualities that linked these men to a deviant form of sexuality, but also climatic and geographical characteristics. Of relevance for these ideas was the notorious geographer, colonial officer and Orientalist scholar Richard Francis Burton, who postulated in his famous Terminal Essay in the tenth volume of his translation of *The Book of the Thousand Nights and a Night* (1886) that there was a specific, geographically identifiable Sotadic Zone, in which 'the Vice is popular and endemic'.⁵⁷ The Port Blair officers' categorization of Pathans, Sindhis and Burmans as naturally addicted to 'unnatural vice' is reminiscent of Burton's sexual mapping of the world into two dichotomous realms—the Occident was depicted as heterosexual with only 'sporadic' outbursts of same-sex behaviour while in most parts of the Orient the sexual deviance was supposedly endemic and tolerated (Colligan 2003, see also Phillips 1999). The regions from which the three concerned convict groups stemmed were all part of the Sotadic

Zone. The discourse of geographically and thus also climatically constituted sexual otherness⁵⁸ is very likely to have influenced the thinking of the officers in the penal settlement, also because colonial power relations were neatly embedded in the sexual characteristics in Burton's sexual geography (Phillips 1999: 77). The Andaman narratives added to Burton's idea about sexual deviance an important novel characteristic, namely the intermingling of sexual deviance and the most extreme form of criminality, the murder impulse.

The Andamans as colonial scandal or as laboratory for sexual theories?

- 36 The scandal of the penal settlement lay mainly in the failure to live up to the stipulated colonial civilising mission and the moral reform agenda. Narratives of sexual delinquency were evoked in order to veil deficiencies in the judicial procedures and the failure of the penal system as such. The motive of jealousy aroused by sodomitical passion had a relevant function in the judicial process of determining guilt of the convicts in murder cases and turned into an empty signifier which rendered further potentially self-critical enquiries by the judges unnecessary. By using derogative, demeaning terminology to describe sexual deviance, same-sex behaviour was furthermore constructed by colonial officers as a social disease like prostitution, masturbation or transvestism.
- 37 But Apser Ali, Nga Shwe Yok and Balaka must not only be seen as embodying sexual Otherness—the narratives of their sexual inclinations also present the possibility for ambivalence and a more flexible reading of colonial sexual thought. Scholars of the history of sexuality have argued in other contexts that the contrasting of East and West in sexual terms posed a vehicle for the English sexual imagination and was part of a significant search for 'truth' in the late 19th century (Phillips 1999: 72). The role of the colonies was crucial for this search, because it provided colonial officers and scholars with a sphere in which the study of sexual deviance could be undertaken more freely while in the European metropolises sexual discourses were restricted to fields such as the legal and medical professions, to religion and to underground pornography (Phillips 1999: 81). The British Raj and especially the Andamans can be understood in this context as a laboratory for sexual theories, which were to meet the emerging cultural interest in male sodomy and a homosexual identity in the British society of the late 19th and early 20th centuries (Colligan 2003: 8). The discursive combination of murder, sexual perversion and moral panic thus culminated in a colonial fantasy, which probably reveals more about British cultural constellations and developments than about South Asian ones.
- 38 The story of the colonial engagement with 'unnatural vice' is thus another example of how knowledge gathered and produced in the colonial realm fed into and interacted with supposedly European theories and how the construction of a specific homosexual identity must be seen as a transcultural process. Moreover, it shows the fraught nature of colonial power, which could not unite claims to certain civilizational standards and colonial realities.

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NOTES

1. Report on the working of the Penal Settlement of Port Blair by Mr. C.J. Lyall and Surgeon-Major A.S. Lethbridge, 26 April 1890, National Archives of India, New Delhi, hereafter NAI, emphasis added.
2. I want to thank Gita Dharampal-Frick, Claude Markovits, Roger Jeffery, Anna Lindberg, Jana Tschurennev and Katharina Schembs for helpful suggestions and comments on this paper, which was first presented at the 6th European South Asia PhD Workshop at Falsterbo, Sweden in September 2012. The paper stems from my PhD research on the manifold and incoherent colonial discourses on same-sex behaviour in the British Raj.
3. The term was first coined by the Hungarian Karl Maria Kertbeny in the late 1860s in a letter in German (Tamagne 2006: 167). It found its way into the English language via a translation of Richard von Krafft-Ebing's 'Psychopathia Sexualis' in 1892 (Bristow 2007: 4).
4. A lot of ground-breaking research has been conducted in the field of the history of sexuality, especially in the European or Western context. Canonical in this context is of course the work of Michel Foucault, e.g. Foucault (1990[1978]). For the development of the category 'homosexuality' see for example Weeks (1981). I situate my own research at the nexus of the fields of gender studies and sexual history as well as colonial studies and the history of South Asia.
5. For one of the very few theoretical conceptualisations of same-sex behaviour in the South Asian colonial archive see Arondekar (2005).
6. In other colonial realms such as the regimentation of Indian princes or the criminalisation of 'eunuchs' the topic of same-sex behaviour was also part of relevant debates, although in differing forms.
7. The colonial situation in this context calls into question the still canonical Foucauldian view of an absolute replacement of the system of public torture by 'modern', more efficient forms of penal technologies as described by him for example in Foucault (1999: 80-107).
8. For the history of the colonial jail system see Arnold (1994), Anderson (2004, 2007).
9. From F.E. Taylor, Secretary to Government, United Provinces to the Secretary to the GoI, H.D. (P.B.), dated Naini Tal, the 31 May 1907, NAI. Among the 'habitual' and 'specially dangerous' criminals to be deported were until 1921 also those convicted under section 377 of the Indian Penal Code, 'if it is shown that they are habitually addicted to those offences'. Section 377 of the Indian Penal Code makes punishable the offence of 'voluntarily ha[ving] carnal intercourse against the order of nature with any man, woman or animal' and cases of same-sex behaviour were tried under this section.
10. Scholars have done extensive research on the history of the penal settlement on the Andaman islands. The most pronounced trend in the historiography on the islands is the nationalist perspective and the focus on the islands as a penal settlement for so-called 'freedom fighters'. Even today the Andamans rank very important in the national consciousness. Other aspects of the Andaman and Nicobar islands get obliterated in that kind of history-writing. Scholars like Vaidik (2010) and Sen (2000) present new possible foci for historical research, such

as the history of the early colonial engagement with the islands as well as with the native Andamese people.

11. See for example Superintendent Major T. Cadell who writes to his superiors that convicts coming to the Andaman penal colony are already addicted to the vice on their arrival and who simultaneously attributes a rather lax view on such deviant sexual behaviour to Indian society by referring to Chever's almost canonical work on medical jurisprudence: 'That the unnatural prostitution of the body in sodomy in invariably commenced locally by prisoners there is no reason to believe, the evidence collected by Dr. Norman Chevers in his work on 'Medical Jurisprudence in India' justifying the assumption that it is not of rare or unfrequent occurrence amongst the natives of India, by whom, indeed, the practice is said to be comparatively lightly regarded; there seems also to be no doubt but that calamities habitually addicted to the practice are occasionally transferred here amongst other prisoners from India, the fact being in some instances drawn attention to in their jail descriptive rolls'. From the Superintendent of Port Blair (Major T. Cadell) to Offg. Secretary to the Government of India, No. 1048,5, dated 29 March 1880, NAI.

12. One example for this accusation was mirrored in the denial of several mainland jails to accommodate the juvenile convict Hari Das, who had been convicted of being the 'passive agent in the offence of unnatural crime' by a judge of the Court of the District Magistrate, Andaman and Nicobar Islands at Port Blair in March 1916 and should have been sent to a juvenile jail thereafter. The Inspector-General of Prisons in Burma declined the request of transferral, writing: '[H]e is a confirmed catamite and there would be grave risks of his contaminating the other inmates of the jail'. Letter from the Government of Burma, no. 481 M. – 16 J. 40, dated 2 May 1916, NAI. More general debates about the allegedly contaminating character of same-sex behaviour are more pronounced in the files of the mainland jails than in the Port Blair files.

13. There exists a huge corpus of files on the topic of sodomy in mainland prisons in the colonial archive, especially related to the discussion on the reform of the spatial setup of the Indian jail system. Unfortunately not many historians have worked with this material, except historians of the Andaman Islands who have taken up the topic of sodomy and colonialism. For one example see Anderson (2004).

14. Herbert Hope Risley, influential ethnographer and Home Secretary in Lord Curzon's administration, assessed the reformatory influence of the colonial penal regime in 1906 rather negatively and self-critically: 'Finally whatever reformatory influence there may be in the Port Blair system it certainly does not commence until the man becomes a self-supporter, that is to say, until he has spent ten years in association with a mixed crew of criminals under the laxest control and in charge of officers who are convicts themselves, and has passed his nights in barracks where unnatural crime is habitually practiced. If he goes through these and eventually turns out a respectable self-supporter the result is assuredly due to himself and not to his surroundings'. H. H. Risley, 13 January 1906, NAI. However, this form of outspoken self-criticism was not the norm among colonial officers.

15. 'I regret to add that symptoms are arising, showing the necessity of providing women for this Settlement, if we wish to avoid the horrible scenes for which Norfolk Island was formerly so infamously notorious'. No. 1000, dated Port Blair, 8 November 1870, from Colonel H. Man, Supdt., Port Blair and the Nicobars to E.C. Bayley, Esq., C.S.I., Secy. to GoI, NAI.

16. No. 1337, dated Port Blair, the 31 October 1871, from Major-General D.M. Stewart, C.B., Officiating Superintendent of Port Blair and the Nicobars to E.C. Bayley, Esq., C.S.I., Secy. to the GoI, NAI.

17. No. 1337, dated Port Blair, the 31 October 1871, from Major-General D.M. Stewart, C.B., Officiating Superintendent of Port Blair and the Nicobars to E.C. Bayley, Esq., C.S.I., Secy. to the GoI, NAI. On the provision, regimentation and surveillance of female prostitutes in Indian cantonments see for example Levine (1994) and Peers (1998).

18. No. 1337, dated Port Blair, the 31 October 1871, from Major-General D.M. Stewart, C.B., Officiating Superintendent of Port Blair and the Nicobars to E.C. Bayley, Esq., C.S.I., Secy. to the GoI, NAI.

19. 'Some advantages may possibly be gained by placing prostitution under prescribed rules. If, as is proposed, the Statue 33 Vic., cap. 3, is extended to Port Blair and the Nicobars, there can be no difficulty in framing rules under the Contagious Diseases Act, or the Cantonment Act, and give them the force of law'. No. 532, dated the 1 February 1872, from E.C. Bayley, Secy. to the GoI to the Superintendent of Port Blair, NAI. Of course, there were also those voices in the colonial regime which dismissed this idea of prostitution because of it being immoral or due to fear of a public outcry.

20. Self-supporters were 'first-class prisoners who had been granted a ticket-of-leave and allowed to take up any profession of their choice for a living'. The classification of the self-supporter varied considerably over the years (Vaidik 2006: 224).

21. Vaidik (2006: 226) states that inviting one's own family was understood as a privilege. 266 self-supporters were allowed to apply for their family's emigration, but of those, only 12 females agreed to come and in only two cases did the woman actually arrive at Port Blair. The scheme of convict family emigration was supposed to contribute to the stability and efficacy of the penal and the colony's labour regime, but it failed.

22. From the Superintendent of Port Blair (Major T. Cadell) to Offg. Secretary to the Government of India, No. 1048,5, dated 29 March 1880, NAI. Weston (2008) elucidates in how far the concern with regimenting same-sex behaviour in the penal colony made way for new and more exploitative forms of labour extraction. She analyses the example of the coconut oil press which was installed in order to provide for better lighting and thus not only put deviant convicts into novel labour regimes, but also altered the islands' environmental landscape. Weston (2008) thereby connects political ecology and colonial penal regimes with a queer historical analysis.

23. W.J.S., 27 April of 1880, HD, Revenue and Agriculture Department, Port Blair, Proceedings May 1880, No. 1-3. 'Suggestions to prevent unnatural crime among convicts in Port Blair', NAI. In the context of punishing juveniles for same-sex behavior some colonial officials presented the idea that flogging might help to 'cure' or 'treat' sodomy.

24. Report on the working of the Penal Settlement of Port Blair by Mr. C.J. Lyall and Surgeon-Major A.S. Lethbridge, 26 April 1890, NAI. Weston (2008: 224) clarifies that those prisoners who 'were caught in the act more than once' were put in the so-called *Habitual Offenders Gang* and had to wear 'readily identifiable chocolate-striped uniforms'. On the issue of specific convict dress for sodomites and catamites see also Anderson (2004: 119).

25. The Andaman penal settlement was the first place in the British Raj, in which experiments with Benthamian ideas of panoptic prison regimes were conducted. For the description of his panopticon see Bentham (1995).

26. Report on the working of the Penal Settlement of Port Blair by Mr. C.J. Lyall and Surgeon-Major A.S. Lethbridge, 26 April 1890, NAI. After some experience with settling female convicts in the Andaman penal colony the colonial regime changed its mind and called the system of supplying women in 1914 'morally indefensible' because it 'disregards all marriage laws, caste, religious, social and customary', 'licenses prostitution under a cloak', and finally because children born out of these convict marriages would 'grow up in the worst surroundings with strong hereditary tendencies to crime'. There was also anxiety surrounding the alleged usage of female and male convict children as prostitutes by their parents. H. Wheeler, 25 April 1914, NAI. See Vaidik (2006: 240) for a description of why female convicts in the Andamans were perceived as a threat by colonial officials—they were seen as 'naturally promiscuous and fickle'.

27. H.G. Stokes, 14 June 1905, GoI, HD, Port Blair, July 1906: 38-40(A), Proposals regarding the abolition of transportation of convicts to Port Blair, NAI.

28. From the Superintendent of Port Blair to Offg. Secretary to the Government of India, No. 1048,5, dated 29 March 1880, NAI. The other important motive for murder as presented by colonial officials was the immoral behaviour of the few women in the settlement, who were seen as acting like prostitutes and not as wives.
29. One official writes in the 1880 report: 'In our letter to the Superintendent of Port Blair dated the 2nd February last confirming the sentences of death passed upon two life-convicts we drew his attention to the circumstances that in both cases the attempts to murder *appeared* to have been connected with unnatural offences among the convicts, and we requested him to consider whether it was not practicable to adopt measures to check such practices'. W.J.S., 27-4-80); From the Superintendent of Port Blair (Major T. Cadell) to Offg. Secretary to the Government of India, No. 1048,5, dated 29 March 1880. Emphasis added.
30. Report on the working of the Penal Settlement of Port Blair by Mr. C.J. Lyall (Bengal Civil Service) and Surgeon-Major A.S. Lethbridge (Inspector General of Jails, Bengal), 26 April 1890, NAI. Emphasis added.
31. Proposals regarding the abolition of transportation of convicts to Port Blair, July 1906, NAI. Emphasis added.
32. In four of the six reported murder cases in 1916 in the Port Blair files the judges hold sodomitical acts responsible for the commitment of murders. INA, Port Blair files.
33. Case No. 11 of 1916. The Crown versus Life Convict No. 29910 Apser Ali. Judgment. Charge Sec. 303 I.P.C., Sd/. J.B. Leach, Add. Sessions Judge, 22 November 1916, NAI.
34. Case No. 11 of 1916. The Crown versus Life Convict No. 29910 Apser Ali. Judgment. Charge Sec. 303 I.P.C., Sd/. J.B. Leach, Add. Sessions Judge, 22 November 1916, NAI.
35. G.M. Young, 12 December 1916, NAI.
36. It has to be noted that the testimony as well as the petition are translations from Burmese into English and the question of the often problematic process of translation by colonial officers must be kept in mind as well.
37. Examination of prisoner no. 30776, taken at Port Blair this 27 day of June, 1916, Sd/ - F.B. Leach, Additional Sessions Judge; Appeal originally in Burman, signed in presence of Med. Supt Jails, Port Blair by No 30776 on 29 June 1916, NAI.
38. Judgment, Sd/ - F.B. Leach, Additional Sessions Judge, Port Blair, 27 June 1916, NAI.
39. Judgment, Sd/ - F.B. Leach, Additional Sessions Judge, Port Blair, 27 June 1916, NAI.
40. Booth-Grovely, 19 July 1916, NAI.
41. A *dah* is a sharp blade, with which the convicts were supposed to cut coconut. In many of the murder cases the alarming question of where the offenders got their murder weapons from points to another failure of the colonial surveillance regime.
42. Sessions Case No. 10 of 1918-19. The Crown versus convict no. 33707 Balaka *alias* Bala Ram. Judgment, (Sd.) R. Lowis, Additional Sessions Judge, 21 February 1919, NAI.
43. Port Blair, January, 27 January 1919, in presence of (Sd.) G. B. Pulleyne, Assistant Commissioner, NAI. Chokra is translated in the file as the 'passive agent in unnatural crime'.
44. Port Blair, January, 27 January 1919, in presence of (Sd.) G. B. Pulleyne, Assistant Commissioner, NAI; Petition of appeal from condemned prisoner no. 33707, Balaka, no date, NAI.
45. Port Blair, January, 27 January 1919, in presence of (Sd.) G. B. Pulleyne, Assistant Commissioner, NAI; Petition of appeal from condemned prisoner no. 33707, Balaka, no date, NAI.
46. Sessions Case No. 10 of 1918-19. The Crown versus convict no. 33707 Balaka *alias* Bala Ram. Judgment, (Sd.) R. Lowis, Additional Sessions Judge, 21 February 1919, NAI.
47. No. 528, dated the 12 May 1919, from Lieutenant-Colonel M.W. Douglas, Superintendent of Port Blair, to the Secretary to the GoI, HD, NAI.
48. The attempt to avoid a public scandal didn't quite work out. There were questions in the British parliament regarding the report which specifically alluded to the topic of sodomy in the penal settlement as well as critical newspaper-articles in the British press.

49. W.H. Vincent, 28 October 1920, NAI.
 50. Letter to all local Governments and Administrations, no. 27, dated 3 to 24 January 1921, communicating the orders, from C.W. Gwynne, Esq., O.B.C., Deputy Secretary to the Government of India, NAI.
 51. Chief Commissioner's proposals, October 1920, Supplementary report on the temporary reform of the Andaman Penal Settlement, 27 March 1920, by Lieutenant-Colonel M.W. Douglas, C.S.I., C.I.E. I.A., Chief Commissioner, Andaman and Nicobar Islands, NAI.
 52. Supplementary report on the temporary reform of the Andaman Penal Settlement, 27 March 1920, by Lieutenant-Colonel M.W. Douglas, C.S.I., C.I.E. I.A., Chief Commissioner, Andaman and Nicobar Islands, NAI.
 53. No. 17, dated the 13 January 1921, from C.W. Gwynne, Esq., O.B.E., Deputy Secretary to the GoI, Home Department, to the Chief Commissioner of the Andaman and Nicobar Islands, NAI.
 54. No. 260, dated the 23 April 1921, from Lieutenant-Colonel H.C. Beadon, C.I.E., I.A., Chief Commissioner, Andaman and Nicobar Islands to the Secretary to the GoI, H.D., Delhi, NAI.
 55. Report of the Indian Jails Committee, 1921, pp. 277-8. Another more informal, confidential enquiry by a 'reliable Indian Police Officer (Brahman)' also suggested that 'Pathans and Sindhis and men from the Northern cities of India are the principle active agents, more especially Pathans and Sindhis; that Burmans are the principle passive agents, though not naturally addicted to the vice'. Supplementary report on the temporary reform of the Andaman Penal Settlement, 27 March 1920, by Lieutenant-Colonel M.W. Douglas, C.S.I., C.I.E. I.A., Chief Commissioner, Andaman and Nicobar Islands, NAI.
 56. For this argument see for example Bates (1995).
 57. Burton as cited in Colligan (2003: 5).
 58. Colligan (2003: 5) describes Burton's understanding of same-sex behaviour as 'geographically, rather than racially determined'.
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ABSTRACTS

This article will analyse colonial discourses on sodomy, jealousy and violence connected with the penal settlement of the Andamans in late 19th and early 20th century. The narrative in these files elucidates the incoherent ways in which colonial officials of different ranks tried to rationalise the phenomenon of same-sex behaviour by employing (pseudo-)scientific theories of criminality, race and climatic determinism. Moreover, the analysis tries to shed light on the manifold failures of the colonial regime in South Asia. The paper aims at contributing to the history of sexuality in colonial contexts by highlighting the role of colonial spaces as laboratories for emerging 'European' sexual theories.

INDEX

Keywords: history of (homo)sexuality, colonialism in South Asia, Andaman and Nicobar Islands, colonial jail regime, violence

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