




RESEARCH ARTICLE

Introduction: Punitive Perspectives on Labour Management*

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Abstract

What is the historical role of punishment in the management of labour? This is the central question of this Special Issue of the *International Review of Social History (IRSH)*, “Punishing Workers, Managing Labour”. Through a close reading of the diverse range of articles included in this Special Issue and by addressing the relatively extensive but highly fragmented scholarship on the subject, this introduction argues that the key to labour management lay in the interplay of differentiated forms of punishment with distinct labour relations, rather than in the imposition of one punitive regime onto an undifferentiated workforce. In other words, the effective management of labour required the systematic differentiation of the workforce; to that end, the imposition of diversified forms of punishment did not merely reflect existing labour distinctions, but also contributed to creating them. This point leads us to address broader methodological and theoretical issues about how we can analyse such complex interactions: how we can compare the role of punishment in the management of labour across space and time, and how our findings can be used to explain short- and long-term historical changes.

Rethinking the Entanglements Between Labour and Punishment

The starting point of a comprehensive analytical frame of the role of punishment in labour management lies in a double pluralization. On the side of labour, we should acknowledge that the coexistence of various (“free” and “unfree”) labour relations has been the standard throughout history, as global labour historians have

*The authors of this introduction would like to thank the contributors, the anonymous reviewers, the co-editor of the Special Issue, and the editors and members of the *IRSH* Editorial Committee for their precious work on this volume and for their feedback on earlier drafts of this introduction. They also express their gratitude to the Bonn Center for Dependency and Slavery Studies (BCDSS) for their generous support and for funding the interdisciplinary conference “Punishment, Labor, and the Legitimation of Power”, which was organized by Adam Fagbore on behalf of the research group “Punishment, Labor, and Dependency” of the BCDSS on 18–19 February 2021. Seven articles (Fagbore, Revilla Orías, Avellino, Pearson, Loktionov, Ferraro, and Dimmers) included in this Special Issue derive from that conference; the five other articles (Reid, Rio, Chevalyre, Lyngholm, and Heinsen) have been included to expand the historical and temporal scope of the volume.

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highlighted.¹ Consequently, labour management should be understood as the governing of an articulated and internally fragmented workforce. On the side of punishment, we need to view the multiple punitive practices that have stemmed from various normative sources in any historical or social context. Not only the criminal justice system but also military, religious, and administrative justice, together with other actors such as masters, employers, the guilds, and indigenous communities. Indeed, this volume features an anthropological view of “punishment”, which embraces any practices that diverse historical agents have used to retribute and modify the behaviours of other individuals and groups perceived as deviating from (constructed and contested) moral, economic, and political norms. From this perspective, the use of punitive practices as a mode of control over workers has always been plural, and it is precisely this plurality that has given management the necessary flexibility to cope with specific composition of the workforce, within the historical context of shifting imperatives of production combined with changing external circumstances. This means that we need to understand the logic of deployment of, say, incarceration, penal transportation, or capital punishment as differentiated tools for the control of enslaved, waged, and indentured workforces, or the composite workforces of distinct worksites in each specific historical context.² To this end, the simultaneous pluralization of labour and punishment that we propose raises new questions regarding the relationship between punishment and labour management, such as: Why and how were forms of punishment differentiated vis-à-vis workers in distinct labour relations? Why and how did some punitive institutions target workers in certain labour relations rather than others? And how were these differentiations in punitive practices legitimized?

At the crossroads of this double pluralization, a new frame begins to emerge, one that views the analysis of the role of punishment in labour management as the investigation of the impact of concurring and shifting punitive practices on multifaceted and changing forms of labour relations. Three processual approaches to labour history echo this agenda and seem suitable to be expanded to include the perspective of punishment.

The first approach includes works that have contended that the management of labour does not imply the imposition of a homogeneous regime of control and coercion on the workforce as a whole but precisely its segmentation and – to use Roediger and Esch’s expression – the “production of difference” among workers.³ Although the original focus of these scholars has been on differentiations by race, citizenship, and gender, this approach seems also well positioned to explore the ways in which and the

¹Tom Brass and Marcel van der Linden (eds), *Free and Unfree Labour: The Debate Continues* (Bern, 1997); Marcel van der Linden, *Workers of the World: Essays towards a Global Labor History* (Amsterdam and Boston, MA, 2008).

²We echo and expand here the concept of “logic of deployment”, proposed by Jairus Banaji, *Theory as History: Essays on Modes of Production and Exploitation* (Amsterdam and Boston, MA, 2010), pp. 113–116.

³David R. Roediger and Elizabeth D. Esch, *The Production of Difference: Race and the Management of Labor in US History* (Oxford, 2012). For other examples on the United States, see Lisa Lowe, *Immigrant Acts: Asian American Cultural Politics* (Durham, NC, and London, 1996); Grace Kyungwon Hong, *The Ruptures of American Capital: Women of Color Feminism and the Culture of Immigrant Labor* (Minneapolis, MN, and London, 1999).

reasons why different punitive practices targeted distinct groups of workers and, by doing so, created and reinforced the distinctions among those workers. The second approach addresses the processes by which labour coercion is constructed and maintained.⁴ By suggesting the need for a contextualized and relational study of labour regimes, it invites us to disentangle the specific dynamics of labour coercion.⁵ As such, this perspective offers the possibility to view punishment as one of the processes that produce and reproduce labour coercion across all types of labour relations. For example, it highlights how anti-vagrancy policies, backed by punitive practices, produced workers' im/mobility; it foregrounds the connections between debt, punishment, and the fixing of labourers to specific worksites; and it calls attention to the importance of flogging in the control of the enslaved and tributary workforce, and in constructing them as distinct from other fellow labourers. The third approach emerges from various studies that, starting from the empirical observation of the entanglements among distinct groups of workers, have suggested bottom-up categories to describe them as a multifaceted whole. For example, this is the case with Peter Linebaugh and Markus Rediker's "many-headed hydra" and "motley crews", Marcel van der Linden's "subaltern workers", and Peter M. Beattie's "intractable poor".⁶ Such dynamic categories match with the equally flexible notions of "coercive networks" and "punitive pluralism" that have been proposed to address the ways multiple punitive practices intervened in the management of composite bundles of workers.⁷

The analytical frame we are suggesting questions prominent theoretical views about entanglements between labour and punishment, and invites us to develop more integrated empirical studies beyond the fragmentation that marks current scholarship. Major criminological and sociological theories, like those of George Rusche and Otto Kirchheimer, Dario Melossi and Massimo Pavarini, and Michel Foucault, have framed the relationship between labour and punishment through a Eurocentric lens. They have described them as shifting linearly across time, and have typically conflated them with connections between a single type of labour relation – wage labour – and a single type of punishment – penal imprisonment.⁸ These

⁴Christian G. De Vito, Juliane Schiel, and Matthias van Rossum, "From Bondage to Precariousness? New Perspectives on Labor and Social History", *Journal of Social History*, 54:2 (2020), pp. 644–662.

⁵Marcel van der Linden, "Dissecting Coerced Labour", in Marcel van der Linden and Magaly Rodríguez García (eds), *On Coerced Labor: Work and Compulsion after Chattel Slavery* (Amsterdam and Boston, MA, 2016), pp. 291–322.

⁶Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston, MA, 2000); Van der Linden, *Workers of the World*; Marcus Rediker, *Outlaws of the Atlantic: Sailors, Pirates, and Motley Crews in the Age of Sail* (Boston, MA, 2015); Peter M. Beattie, *Punishment in Paradise: Race, Slavery, Human Rights, and a Nineteenth-Century Brazilian Penal Colony* (Durham, NC, 2015). For a similar approach, see also Johan Heinsen, *Mutiny in the Danish Atlantic World: Convicts, Sailors and a Dissonant Empire* (London, 2017).

⁷Taylor C. Sherman, "Tensions of Colonial Punishment: Perspectives on Recent Developments in the Study of Coercive Networks in Asia, Africa and the Caribbean", *History Compass*, 7:3 (1999), pp. 659–677; Christian G. De Vito, "Punishment and Labour Relations: Cuba between Abolition and Empire (1835–1886)", *Crime, Histoire & Sociétés / Crime, History & Societies*, 22:1 (2018), pp. 53–79.

⁸Georg Rusche and Otto Kirchheimer, *Punishment and Social Structure* (London and New York, [1939] 2003); Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York, [orig. FR. 1975] 1977); Dario Melossi and Massimo Pavarini, *The Prison and the Factory: Origins of the Penitentiary System*

approaches have been empirically proved incapable of explaining not only the reality of ancient, medieval, and colonial punishment – which they did not address – but even the diversity of uses of penal labour in Europe, the role of punitive practices, such as penal transportation in what has been dubbed “the age of the triumphant prison”, and the centrality of labour camps in the twentieth century.⁹

However, later empirical works that have also addressed the impact of punishment on labour management have replicated this focus on specific forms of labour relations. Thus, in the field of business and management history, studies of “scientific management” and “lean manufacturing” have addressed only the control of industrial wage labour, besides featuring a standard downplaying of the role of coercion and punishment.¹⁰ Conversely, Robert J. Steinfeld’s pioneering work on the “invention of free labor” took a labour history perspective and did include a focus on the role of punishment in the regulation of the master–servant relationship but similarly confined itself to the exclusive analysis of wage labour.¹¹ More detailed insights have emerged within the field of slavery studies, with specific reference to the Americas in the sixteenth through nineteenth centuries. Bivar Marquese’s *Feitores do corpo, missionários da mente* showcases the analytical potential of this set of scholarship due to its extended scope, which spans the normative texts produced by missionaries,

(London and New York, [orig. IT. 1977] 2018). See also: Dario Melossi, Máximo Sozzo, and José A. Brandariz-García (eds), *The Political Economy of Punishment Today: Visions, Debates and Challenges* (London and New York, 2018).

⁹For example, Florence Bernault (ed.), *Enfermement, prison et châtements en Afrique. Du 19e siècle à nos jours* (Paris, 1999); Frank Dikötter and Ian Brown (eds), *Cultures of Confinement: A History of the Prison in Africa, Asia, and Latin America* (Ithaca, NY, 2007); Guy Geltner, *The Medieval Prison: A Social History* (Princeton, NJ, 2008); Lynne Viola, *The Unknown Gulag: The Lost World of Stalin’s Special Settlements* (Oxford, 2009); Dominique Moran, Nick Gill, and Deirdre Conlon (eds), *Carceral Spaces: Mobility and Agency in Imprisonment and Migrant Detention* (London and New York, 2013); Nikolaus Wachsmann, *Hitler’s Prisons: Legal Terror in Nazi Germany* (New Haven, CT, 2015); Christian G. De Vito, Ralf Futselaar, and Helen Grevers (eds), *Incarceration and Regime Change: European Prisons During and After the Second World War* (Oxford, 2017); Mahon Murphy, *Colonial Captivity During the First World War* (Cambridge, 2017); Christian G. De Vito and Alex Lichtenstein (eds), *Global Convict Labour* (Amsterdam and Boston, MA, 2016); Clare Anderson (ed.), *A Global History of Convicts and Penal Colonies* (London, 2018); Christian G. De Vito, Clare Anderson, and Ulbe Bosma (eds), “Transportation, Deportation and Exile: Perspectives from the Colonies in the Nineteenth and Twentieth Centuries”, *International Review of Social History*, 63:SI26 (2018); Zhanna Popova and Francesca Di Pasquale (eds), “Dissecting Sites of Punishment: Penal Colonies and Their Borders”, *International Review of Social History*, 64:3 (2019), pp. 415–425.

¹⁰For some examples: Daniel Nelson, “Scientific Management, Systematic Management, and Labor, 1880–1915”, *Business History Review*, 48:4 (1974), pp. 479–500; Stephen P. Waring, *Taylorism Transformed: Scientific Management Theory since 1945* (Chapel Hill, NC, 1991); Daniel A. Wren, *The History of Management Thought* (Hoboken, NJ, 2005); Mikhail Grachev and Boris Rakitsky, “Historic Horizons of Frederick Taylor’s Scientific Management”, *Journal of Management History*, 19:4 (2013), pp. 512–527; Łukasz Dekier, “The Origin and Evolution of Lean Management System”, *Journal of International Studies*, 5:1 (2012), pp. 46–51; M.G.S. Dilanthi, “Conceptual Evolution Lean Manufacturing: A Review of Literature”, *International Journal of Economics, Commerce and Management*, 3:10 (2015). Available at: <https://ssrn.com/abstract=2678896>; last accessed 9 November 2022.

¹¹Robert J. Steinfeld, *The Invention of Free Labor: The Employment Relation in English and American Law and Culture, 1350–1870* (Chapel Hill, NC, 1991). On wage labour and legal regimes see also: Simon Deakin and Frank Wilkinson, *The Law of the Labour Market: Industrialization, Employment, and Legal Evolution* (Oxford, 2005); Alain Supiot, *Critique du droit du travail* (Paris, 2011).

political authorities, medical experts, and slaveholders across the Portuguese, Spanish, French, and British empires and the United States.¹² Indeed, Marquese provides us with a unique insight into the elites' reflection on the strategies of control of slaves, and foregrounds the role of the various punitive practices employed by the masters and the state in the management of the enslaved workforce. Moreover, he discusses the changes that occurred from 1660 to 1860 by looking at both ideological motivations and at the increasing but often unsuccessful attempts of the state to limit the masters' power to punish. Marquese's findings at the level of the discourses on labour management can be fruitfully complemented with more specific studies on the practices of control of the enslaved workers produced by several scholars, originally with a focus on nineteenth-century Brazil, United States, and the British Caribbean, and, more recently, also on early modern and post-independence Latin America.¹³ However, viewed from the perspective of the question that motivates this Special Issue, even this outstanding scholarship on the punishment of the enslaved iterates the exclusive focus on a single labour relation, besides addressing slavery only in the context of the early modern and modern Americas.

Scattered references to the role of punishment vis-à-vis the management of workers in other labour relations and besides the early modern and nineteenth-century Americas can be found in the specialized scholarship.¹⁴ But there is a clear need for systematic empirical research on the control of the work of servants, indentured labourers, convicts, and independent peasants for the early modern and modern

¹²Rafael de Bivar Marquese, *Feitores do corpo, missionários da mente. Senhores, letrados e o controle dos escravos nas Américas, 1660–1860* (São Paulo, 2004).

¹³Philip J. Schwartz, *Twice Condemned: Slaves and the Criminal Laws of Virginia, 1705–1865* (Baton Rouge, LA, 1988); Sílvia Hunold Lara, *Campos da violência. Escravos e Senhores na Capitania do Rio de Janeiro 1750–1808* (Rio de Janeiro, 1988); Thomas D. Morris, *Southern Slavery and the Law 1619–1860* (Chapel Hill, NC, and London, 1996); Diana Paton, *No Bond but the Law: Punishment, Race, and Gender in Jamaican State Formation, 1780–1870* (Durham, NC, and London, 2004); Maria Helena P.T. Machado, *Crime e escavidão. Trabalho, Luta e Resistência nas Labours Paulistas (1830–1888)* (São Paulo, 2014); Dawn Harris, *Punishing the Black Body: Marking Social and Racial Structures in Barbados and Jamaica* (Athens, GA, 2017); Trevor Burnard (ed.), "The Management of Enslaved People on Anglo-American Plantations, 1700–1860", *Journal of Global Slavery*, 6:1 (Special Issue, 2021); Viola Müller and Christian G. De Vito (eds), "Punishing the Enslaved: Labour, Slavery and Punitive Practices in the Americas (1760s–1880s)", *Journal of Global Slavery*, 6:1 (Special issue, 2021). For broader studies on slavery that address the role of punishment in the management of the enslaved workers, see Eric Williams, *Capitalism and Slavery* (London, 1964); Stefano Fenoaltea, "Slavery and Supervision in Comparative Perspective: A Model", *Journal of Economic History*, 44:3 (1984), pp. 635–668; Robin Blackburn, *The Making of New World Slavery: From the Baroque to the Modern, 1492–1800* (London and New York, 1997); Sven Beckert and Seth Rockman (eds), *Slavery's Capitalism: A New History of American Economic Development* (Philadelphia, PA, 2016).

¹⁴For an explicit analysis of the role of punishment in the management of labour, see Nitin Varma, *Coolies of Capitalism: Assam Tea and the Making of Coolie Labour* (Berlin, 2016). For some examples related to the control of military labour, see Peter Burroughs, "Crime and Punishment in the British Army, 1815–1870", *English Historical Review*, 100:396 (1985), pp. 545–571; David Killingray, "The 'Rod of Empire': The Debate over Corporal Punishment in the British African Colonial Forces, 1888–1946", *Journal of African History*, 35:2 (1994), pp. 201–216; Kaushik Roy, "Spare the Rod, Spoil the Soldier? Crime and Punishment in the Army of India, 1860s–1913", *Journal of the Society for Army Historical Research*, 84:337 (2006), pp. 9–33; Dominique Kalifa, *Biribi. Les bagnes coloniaux de l'armée française* (Paris, 2009).

periods, and on virtually all groups of workers before 1500. Even this might not be enough. Indeed, it is our contention that the multiplication of empirical works is a necessary but insufficient condition for the analysis of the impact of punishment on labour management. The double pluralization of labour and punishment that we propose is not an empiricist exercise but an analytical necessity to address complex configurations that have existed historically at the crossroads of various labour and punitive regimes. In the following sections, we argue that this approach also offers insights regarding methodological issues on trans-epochal comparisons and shifts in punitive intervention on labour management across time.

Trans-Epochal and Transcultural Comparisons

This Special Issue includes articles on the histories of blinded slaves in ancient Mesopotamia, flogged peasant farmers in pharaonic Egypt, convict officers in the prisons of colonial India, and blacklisted factory workers in the nineteenth-century United States. The contributors skilfully ground their histories in their specific temporal and spatial contexts. Assembling them in a single Special Issue suggests that some common themes can be traced across the articles and that, taken together, they make up a coherent contribution to the understanding of the role of punishment in labour management. From a methodological perspective, the question is whether a comparison is possible at all among the contexts presented here (and beyond), and, if so, which kind of comparison are we proposing as editors of this Special Issue.

Large comparative research projects and syntheses have been offered in the last two decades within the field of global labour history. Contrary to traditional approaches in labour history, these works have taken the multiplicity of labour relations as their starting points and have deliberately expanded the chronological and spatial scope with a view to challenging the Eurocentric and methodologically nationalist approaches that still dominate the discipline. However, global labour historians have predominantly developed these shareable premises in the direction of structuralist comparisons that seek to “cover the world” and reach out across the history of humankind by means of predefined categories and taxonomies. Collective volumes have been built on predefined frameworks that include lists of “factors” and questions that contributors are asked to deal with as they go through their sources or, more frequently, the findings of secondary literature. Or, in the case of databases like that of the Global Collaboratory on the History of Labour Relations, labour relations have been categorized and ordered according to a predefined taxonomy that frames the collection and analysis of the data.¹⁵

¹⁵For examples of this approach, see Jan Lucassen, “Brickmakers in Western Europe (1700–1900) and Northern India (1800–2000): Some Comparisons”, in Jan Lucassen (ed.), *Global Labour History: A State of the Art* (Bern, 2006), pp. 513–571; Elise van Nederveen Meerkerk, “Covering the World: Textile Workers and Globalization, 1650–2000: Experiences and Results of a Collective Research Project”, in Marcel van der Linden (ed.), *Labour History Beyond Borders: Concepts and Explorations* (Linz, 2010), pp. 111–138. For a long-term synthesis based on these analytical premises, see Jan Lucassen, *The Story of Work: A New History of Humankind* (New Haven, CT, and London, 2021). For the Global

In structuralist comparisons, predefining concepts, frameworks, and taxonomies have the explicit role of creating homogenous sets of data that can subsequently be compared to uncover universal and long-term structures. From our perspective, preliminary standardization is problematic because it creates a tautological circularity between the premises and outcomes of research. In other words, by standardizing the analytical tools and the data, structuralist approaches create a fictive image of a homogeneous social fabric of human societies, and then use it as a basis for large claims over similarities and differences among regions, as well as continuities and discontinuities across time.¹⁶ In this way, the structuralist approach removes or oversimplifies the very dynamics that lie at the centre of the historical process of labour management. Namely, that the contextualized interactions between multiple forms of labour relations and distinct forms of punishment and their combination generate open-ended configurations that change across time. Moreover, the structuralist approach silences the continuous negotiations and conflicts among the historical actors that concretely shaped those shifting configurations of punitive and labour relations.

In this introduction, we offer an alternative path. Building on the tradition of microhistory, we contend that it is possible to construct trans-epochal and transcultural comparisons of labour management and the punishment of workers by asking common questions and analysing the divergences and convergences among the answers.¹⁷ For us, this is a way to dig deeper into the social meanings that both similarities and differences reveal, and acknowledge that the experiences and ideas that workers had about the “world”, work, and punishment might have varied consistently, and that their understanding needs to be grounded in their specific contexts and in the investigation of distinct connections. Moreover, acknowledging the plurality of normative sources allows us to interrogate the very existence of “the state” in certain historical contexts and ask how the conceptualization of “the polity” changed over time. It permits acknowledgement of the multi-normativity that has characterized all human societies, and thus moves away from a Weberian model of the state

Collaboratory on the History of Labour Relations, see: <https://iisg.amsterdam/en/research/projects/global-collaboratory-on-the-history-of-labour-relations-1500-2000>; last accessed 9 November 2022. For a “manifesto” of this approach, see Leo Lucassen, “Working Together: New Directions in Global Labour History”, *Journal of Global History*, 11:1 (2016), pp. 66–87.

¹⁶For critical analysis of structuralist or macro-analytical approaches, see John Hatcher and Judy S. Stephenson (eds), *Seven Centuries of Unreal Wages: The Unreliable Data, Sources and Methods that Have Been Used for Measuring Standard Living in the Past* (London, 2018); Alida Clemente, “Micro e macro tra narrativismo postmoderno e scelta razionale. Il problema della agency e la storia economica come scienza sociale”, in Daniele Andreozzi (ed.), *Quantità/qualità. La storia tra sguardi micro e generalizzazioni* (Palermo, 2017), pp. 37–58. For a critical analysis of macro-analytical approaches in global labour history, and the proposal of a micro-spatial perspective, see Christian G. De Vito and Anne Gerritsen, “Micro-Spatial Histories of Labour: Towards a New Global History”, in *idem* (eds), *Micro-Spatial Histories of Global Labour* (London, 2018), pp. 1–28.

¹⁷For this view on comparison, see Giovanni Levi, “On Microhistory”, in Peter Burke (ed.), *New Perspectives on Historical Writing* (University Park, PA, 1992), pp. 93–113; Carlo Ginzburg, “Our Words, and Theirs: A Reflection on the Historian’s Craft, Today”, in Susanna Fellman and Marjatta Rahikainen (eds), *Quest of Theory, Method and Evidence* (Cambridge, 2012), pp. 97–119.

as a monopolist of legitimate(d) violence.¹⁸ Finally, it facilitates the study of jurisdictional and social tensions among various state institutions, or among the criminal justice system and the masters/employers, around the management of the labour force.

Doing trans-epochal and transcultural comparisons also means acknowledging and putting to good use diverse approaches and traditions of distinct academic fields. In particular, the questions that have been raised in one field can be asked in other spatial and temporal contexts and in other fields, following the logic of reciprocal comparison.¹⁹ Take the case of the notion of “patronage” in the scholarships on pharaonic Egypt and on the Spanish empire, and how a dialogue between those two distinct academic fields can help reach a deeper understanding of the relationship between punishment and labour management in both contexts. For the American territories of the Spanish monarchy, historians have underlined that both the royal authorities and the masters legitimized their power vis-à-vis their subaltern describing themselves as their “fathers” and “patrons”, and through a discourse and practice of “protection”. In a context of legal pluralism, in which both the royal authorities and the masters held the right to punish their subaltern, the punishment of an enslaved African or an indigenous worker by the polity could then trigger complex negotiations and conflicts between them, each based on a different understanding of “protection”. Indeed, the Spanish Crown increasingly (but often unsuccessfully) intervened to set a limit on the modes and quantity of the punishments inflicted by the masters; these, in turn, acted during criminal cases as defendants of the enslaved to prevent their slaves and indigenous workers from being sentenced to penal transportation or sold to other masters outside the province.²⁰ How does this resonate with the punitive practices that arose in pharaonic Egypt from the relationship between the authorities and the masters? Asking this question opens new perspectives, without in any way suggesting structural similarities between the two contexts. It rather pushes us to interrogate the actual capacity of the pharaonic “state” to guarantee “protection” and impose punishment, against the background of a weak process of state centralization; it poses the question of the blurred boundaries between “political” and “economic” elites at the local level; and it allows us to consider how the study of punitive regimes cannot be separated from the analysis

¹⁸This is the theme of the vast and transdisciplinary scholarship on “legal pluralism” and “multi-normativity”. For some overviews, see Sally Engle Merry, “Legal Pluralism”, *Law & Society Review*, 22:5 (1988), pp. 869–896; Brian Z. Tamanaha, “Understanding Legal Pluralism: Past to Present, Local to Global”, *Sidney Law Review*, 30 (2007), pp. 375–411; Lauren Benton and Richard J. Ross (eds), *Legal Pluralism and Empires, 1500–1850* (New York, 2013); Thomas Duve (ed.), *Entanglements in Legal History: Conceptual Approaches* (Berlin, 2014). For empirical works on legal pluralism/multi-normativity in contemporary societies, see Franz von Benda-Beckmann, Keebet von Benda-Beckmann, and Julia Eckert (eds), *Rules of Law and Laws of Ruling: On the Governance of Law* (London and New York, 2009); Julia Eckert, Brian Donahoe, Christian Strümpell, and Zerrin Özlem Biner (eds), *Law Against the State: Ethnographic Forays into Law’s Transformations* (Cambridge, 2012); Michael A. Helfand (ed.), *Negotiating State and Non-State Law: The Challenge of Global and Local Legal Pluralism* (Cambridge, 2015).

¹⁹Gareth Austin, “Reciprocal Comparison and African History: Tackling Conceptual Eurocentrism in the Study of Africa’s Economic Past”, *African Studies Review*, 50:3 (2007), pp. 1–28.

²⁰Christian G. De Vito, “Paternalist Punishment: Slaves, Masters and the State in the *Audiencia de Quito* and Ecuador, 1730s–1851”, *Journal of Global Slavery*, 7 (2022), pp. 48–72.

of the ways power is exercised, legitimized, and contested at different levels of society.²¹

Meanwhile, scholars of pharaonic Egypt have highlighted that patronage towards the subaltern shaped relationships within the elites. In the context of labourers attached to the pyramid towns of royal funerary estates, some workers were seemingly protected by royal decree, which, under certain circumstances, guaranteed exemptions from local manpower requirements for especially demanding forms of conscription.²² Another reading is that the royal decrees also served to limit the mobility of temple workers to seek alternative employment in periods of labour shortages or drought,²³ while others fled from overly punitive conditions or unfair tax demands from revenue collectors (who themselves were local notables acting as agents of the temple), only to be tracked, captured, and returned to a holding centre in the temple village.²⁴ In Middle Kingdom Lahun, the punishment for flight for those who tried to flee ranged from lifelong labour to holding household members hostage to forcing family members to work overdue labour obligations.²⁵ These questions of how the protection conceded by the temples resulted in conflicts between the temple authorities and the masters and how that affected the control of the workforce can be compared with the social processes by which the indigenous workers subjected to the colonial *mita* took advantage of the existence of competing economic sectors across the Andean region, and could escape the punishments they experienced in a mine, for example, and seek the protection of other employers in a ranch or a textile manufacturer.²⁶

Core research questions can also emerge from the close study of primary sources related to one specific context, and can be posed to (sets of) documents belonging to other contexts.²⁷ For example, the punitive semantics of Spanish colonial sources sometimes features a distinction between the concept of *castigo* – associated with

²¹Christopher Eyre, “How Relevant was Personal Status to the Functioning of the Rural Economy in Pharaonic Egypt?”, in Bernadette Menu (ed.), *La Dépendance Rurale dans l'antiquité Égyptienne et Proche-Orientale* (Le Caire, 2004), pp. 157–184; Juan Carlos Moreno García, “La Dépendance Rurale en Égypte Ancienne”, *Journal of the Economic and Social History of the Orient*, 51:1 (2008), pp. 99–150; Bruce Routledge, *Archaeology and State Theory: Subjects and Objects of Power* (London, 2014); Juan Carlos Moreno García, *The State in Ancient Egypt: Power, Challenges, and Dynamics* (London, 2020), esp. pp. 1–37.

²²Nigel C. Strudwick, *Texts from the Pyramid Age*, Writings from the Ancient World 16 (Atlanta, GA [etc.], 1995), pp. 97–129.

²³Eyre, *La Dépendance Rurale*, pp. 157–184.

²⁴Christopher Eyre, *The Use of Documents in Pharaonic Egypt* (Oxford, 2013), pp. 71–74.

²⁵For instance: P. Berlin 10021, letter, public collection of the Berlin Museum (= Ulrich Luft, *Urkunden zur Chronologie der Späten 12 Dynastie: Briefe aus Illahun* (Vienna, 2006), pp. 44–45; P. UC 32209, letter, public collection of the Petrie Museum of Egyptian Archaeology, University College London (= Mark Collier and Stephen Quirke, *The UCL Lahun Papyri: Letters* (Oxford, 2002), pp. 129–131; P. Brooklyn 35.1446, administrative document, public collection of the Brooklyn Museum (= William C. Hayes, *A Papyrus of the Late Middle Kingdom in the Brooklyn Museum* (New York, NY, 1955), pp. 34–35, 47–52.

²⁶Christian G. De Vito, “Las múltiples mitas y la coacción laboral, entre el ‘sistema toledano’ y sus subversiones”, in Paola Revilla Orías and Paula Zagalsky (eds), “Mitas coloniales. Ampliando universos analíticos”, *Dialogo Andino*, Special Issue (forthcoming).

²⁷This argument expands the logic of Edoardo Grendi's oxymoron, the “exceptional normal”: Edoardo Grendi, “Micro-analisi e storia sociale”, *Quaderni Storici*, 12:35(2) (1977), pp. 506–520, 512.

state-administered punishment – and *corrección* – connected to punishment administered by the *paterfamilias* to control the behaviour and work of women, children, servants, and slaves in the household. Starting from this, we can interrogate the sources produced in other (temporally and spatially connected or unrelated) contexts to understand the relevance of the separation between “private” and “public” punishment therein. Moreover, looking inside the household, we can observe how the strength of paternalist relations produced a further overlapping of concepts within the semantic field of punishment. In pharaonic Egypt, for example, the word *sbAyt* was used to denote some form of “teaching” or “instruction” that had a connotation of punishment in the ancient Egyptian language.²⁸ As elsewhere in the ancient world, the threat of flogging minors undertaking scribal training is found repeated in didactic instructions, which routinely compare its practice to the domestication of cattle and herds in “private” contexts.²⁹

The Analysis of Historical Change

Traditional theories of the connections between punishment and labour, like the ones mentioned at the beginning of this article, have not only put an exclusive focus on connections between incarceration and wage labour, but also promoted the double teleology of the “modernity” of wage labour and the Western penitentiary. Focusing on selected experiences of the last few centuries of human history, they have built the master narrative of a historical tendency (and even necessity) towards the simplification of both labour relations and punitive practices towards wage labour and incarceration and postulated that the driving force of that simplification was that of capitalist “modernity”. Meanwhile, as we have seen above, structuralist comparisons are built on predefined concepts, taxonomies, and frameworks that standardize the procedures of data collection and analysis that can overstate the homogeneity of underlying social processes.

In our view, configurations of punitive control imposed on workers changed across space and time in ways that disrupt linear and predefined models of transition. The picture sketched in this Special Issue is one of multiple concurring punitive practices that stemmed from various legal sources and targeted distinct groups of workers in different ways and for distinct goals. It follows that historical change too is a matter of shifts in configurations of labour relations and punitive practices.³⁰ A comparative approach based on asking the type of common questions raised in the opening section of this introduction and allowing the (diverging or similar) answers to reveal the

²⁸Hans-Werner Fischer-Elfert, “Education”, in Donald Redford (ed.), *The Oxford Encyclopaedia of Ancient Egypt, Volume 1* (Oxford and New York, 2001), pp. 438–442, 439.

²⁹John T. Fitzgerald, “Proverbs 3:11–12, Hebrews 12:5–6, and the Tradition of Corporal Punishment”, in Patrick Gray and Gall R. O’Day (eds), *Scripture and Traditions: Essays on Early Judaism and Christianity in Honor of Carl R. Holladay* (Leiden and Boston, MA, 2008), pp. 291–318. Papyri Sallier I, 8, 1; Lansing 2.6–7, 3.5–10; and Anastasi III, 4.1–2; all in Ricardo A. Caminos, *Late-Egyptian Miscellanies*, Brown Egyptological Studies 1 (London, 1954).

³⁰For a similar suggestion of a processual and contextualized perspective, see Johan Heinsen, “Historicizing Extramural Convict Labour: Trajectories and Transitions in Early Modern Europe”, *International Review of Social History*, 66:1 (2021), pp. 111–133.

fabric of each social context can highlight how historical change does not follow a predefined pattern but emerges from concrete forms of collaboration, negotiation, and conflict among social actors within and across specific sites.

There was no single transition from slavery to wage labour, or from corporal punishment to incarceration, but rather several transitions from a mix of labour relations to another, and from an articulation of incarceration, corporal punishment, and fines, for example, to another articulation of specific forms of punishment.³¹ These complex shifts varied considerably across space, featured divergent temporalities, and did not proceed teleologically. Indeed, new configurations of punishment, labour, and labour management through punishment were shaped at the crossroads of the visions and practices of various and conflicting elite groups and of the multifaceted and contradictory tactics and practices of multiple subaltern groups.

The outcomes of these social negotiations and conflicts were open-ended and unforeseeable.³² However, using their privilege of looking back at historical social processes, scholars can reconstruct some of the reasons why certain groups and options prevailed or failed. We can ask ourselves why debt or anti-vagrancy policies took different forms, were backed by distinct forms of punishment, and targeted groups that were constructed differently in various periods. We can interrogate ourselves on the historical meaning of the emergence of certain punitive and labour regimes, and of processes of abolition such as those of the *mita* in the Andean region and slavery in the Americas, or the legal extinction of flogging and the death penalty in certain areas and periods. And we can design research projects that investigate whether and which connections existed between the changes in punitive practices and changes in labour management. The articles in this Special Issue of *IRSH* contribute to this challenging and exciting endeavour that lies before us.

The Articles

Although the articles in this Special Issue are organized chronologically, this section will present them in a way that foregrounds their analytical insights and mutual connections. In this way, we wish to strengthen the arguments proposed in the previous sections and underline the need to move beyond linear views of the transitions in labour and punishment. Moreover, we highlight the questions that arise from sets of contributions in this Special Issue, which might speak to scholars in other fields and contribute to the broader debate on the role of punishment in labour management.

The first issue that cuts across several articles regards the forms of control that punitive practices exerted over distinct groups of workers. In particular, the articles by Fagbore, Chevalyre, Revilla Orías, Heinsen, and Avellino highlight the flexibility of punishment in dealing with different imperatives of management. Addressing

³¹This point has been explicitly made for labour in Steinfeld, *Invention of Free Labour*, p. 9.

³²For a similar argument, see Maurizio Gribaudi, "Scala, pertinenza, configurazione", in Jacques Revel (ed.), *Giochi di scala. La microstoria alla prova dell'esperienza* (Rome, 2006), pp. 121–122; *Idem*, "Les discontinuités du social. Un modèle configurationnel", in Bernard Lepetit (ed.), *Les forms de l'expérience. Une autre histoire sociale* (Paris, 2013), pp. 251–294.

pharaonic Egypt, Fagbore points to the issues concerned in the extraction of revenue from peasants who were at the same time independent workers and tributary subjects. In this case, like in other historical contexts where the tributary relation played a key role, the punitive management of the workers did not entail a direct control in the fields by masters and overseers, but rather a control mediated by revenue collectors who were inscribed into the hierarchical structure of a polity (and therefore subjected to control of the higher echelons of that hierarchy). Conversely, the punitive management of labour took an almost intimate dimension in the contexts of the elite households of late Ming and early Qing China, studied by Chevalyere, and early modern Charcas, addressed by Revilla Orías. In the late imperial Chinese household, one priority in the disciplining and control of the enslaved and hired workers (*nubi* and *gugong*) was that of preventing the bloodline “pollution” that the incorporation of those outsiders threatened to provoke; in sixteenth- through eighteenth-century Charcas, the issue at stake was the control of minors who worked under “guardianship” (*tutela*) and featured a wide range of backgrounds (orphans, captives, and sons and daughters of *mitayos* and *yanaconas*, enslaved African and Afrodescendants). The flexibility of punitive regimes vis-à-vis the complexity of labour management takes yet different forms in the contexts studied by Heinsen and Avellino. Heinsen argues that in eighteenth-century Denmark, corporal and carceral punishments were strategically combined to control a mercenary military workforce that had to be both disciplined and retained in the context of a permanent shortage of military labour. In the case of the Lombard silk workers (1780–1810), the discourses and practices of punishment had to grapple with the ambiguous status of labourers who were legally “free” but had “nothing to lose on the side of things” and were therefore difficult to control through mere economic coercion.

Meanwhile, several articles foreground various aspects of the coexistence and entanglements between individual and collective punishments. For instance, Reid discusses the punishment of slaves in relation to those that targeted dependent workers and even entire communities, with a focus on ancient Mesopotamia during the Ur III period (c.2100–2000 BCE). Avellino, Heinsen, and Pearson join Reid in showing the symbolic function of punishment, or the way that punishing even one or a few workers sent out a disciplining message to many others. Avellino writes of the “dissuasive effect of incarceration”, the sequestration of the loom shuttles of absent labourers, and plans to use corporal punishments (literally enchaining the workers to the looms) to control not just those individual workers but the whole of the workforce. Heinsen explores the “semiotics of military punishments”, and how the seemingly draconian punishments of the mercenary soldiers were calibrated to communicate nuanced messages about honour to the broader society. And, Pearson discusses the deep psychological and social effects of blacklisting on the targeted individuals and their families, and its threatening power as a “soft technique of repression” for the other workers, and especially for militant workers, in the aftermath of the Southwest Railroad Strike of 1886.

The second broad question raised by the articles in this Special Issue concerns the role of punishment in changes in labour management. The theme is especially prominent in the contributions by Loktionov, Lyngholm, and Ferraro, which share an emphasis on the dialectics between legal regimes and social practices vis-à-vis the

production of change. From this common basis, the three articles suggest distinct ways to approach the issue. Working at the crossroads of the ancient Near East and the New Kingdom of Egypt, Loktionov foregrounds the circulation of knowledge about punishment as a tool of labour management and as input for changes in practices and legitimation. Meanwhile, Lyngholm situates her article at the height of the abolition of corporal punishment in Denmark (1854) and reveals the ambiguity of legal change in a context where the manipulation of the category “obedience” allowed for a substantial continuity in the coercion of the servants and the corvée labourers. The article by Ferraro on nineteenth-century Brazil offers yet another approach, insisting on the need to embed the study of change in the punitive management of labour both at the level of interactions between enslaved workers, masters, and the state on the coffee plantations and in broader social processes (abolitionism, rising prices of the enslaved, etc.).

The emphasis on the law as a field of conflict and negotiation among various social actors is the third issue that emerges from this Special Issue. It is an important feature in the articles by Avellino, Revilla Orías, Lyngholm, and Ferraro, and is addressed from especially original perspectives in the articles by Rio and Dimmers. Indeed, Rio observes the paradox of the decreasing interest in the punishment of workers in a period of intensified economic exploitation. From this perspective, she digs deep into the shifting discourses and meanings of “punishment” in a wide range of clerical and royal sources across the early Middle Ages in Western Europe (sixth through tenth centuries). In the concluding article of this issue, Dimmers foregrounds the ambiguous position of the convict officers in colonial India: coerced coercers who navigated between the pressures of the convicts and the prison administration when managing the other convict workers, but who were simultaneously the target of control and punishment by the prison administration.

Besides the three themes highlighted so far, striking trans-epochal and transcultural issues can be observed across some of the contributions, which strengthen some of the points presented in this introduction and are worth further exploration in future research. Connecting to our earlier point on “patronage” in ancient Egypt and early modern Spanish America, paternalism as a flexible mode of social control emerges here as a key entry point into the punitive relations among the masters, the polity, and the (free and unfree) workers in the articles on Mesopotamian and Egyptian antiquity (Reid, Fagbore, Loktionov), in Chevalyère’s article on late imperial China, and in the articles that focus on the late eighteenth and nineteenth centuries in distinct yet connected regions like the United States, Brazil, Lombardy, and Denmark (Lyngholm, Avellino, Ferraro). Meanwhile, the importance of debt and anti-vagrancy policies as social and legal processes that connected punishment to acquiring workers as members of the workforce and then the management of that workforce emerges for contexts as far from each other as ancient Mesopotamia and late eighteenth-century Lombardy (Reid and Avellino, respectively). As scholars working on many other contexts (including Lyngholm here) have highlighted, debt arising at the level of individuals, households, and communities (e.g. arrears of tribute) provided private masters and political authorities with a powerful legitimation to force subaltern workers into punitive relations that regularly implied forced labour. In a similar vein, the “assimilation of [...] workers to idlers” – as Avellino puts it in his article –

appears to have been a highly flexible tool of control of the workforce across history, as the economic and political elites could not only regulate the specific modalities of the immobilization of the workforce, but also manipulate the very category of “the vagrant” to target selectively distinct groups of workers in different places and time.

Taken as a whole, the articles included in this Special Issue resonate with the main argument of this introduction; that is, that effective labour management required a systematic differentiation of the workforce, and that punishment offered a flexible range of coercive measures that both created and maintained those distinctions within the workforce. At the same time, the articles provide concrete examples of how, within each context, the specific punitive regimes imposed on the workers depended on, and shifted according to, contingent circumstances and the continuous negotiations and conflicts among the historical actors. Thus, the ranges of punitive and labour regimes were distinct across the various contexts considered here and changed across time within each historical context. From a theoretical and methodological perspective, this means that even when apparently universal social processes – such as paternalism, debt, and anti-vagrancy – can be observed in cross-temporal comparisons as contributing to labour management, we can only grasp their real forms, operations, and meanings by looking deeply into each context. For this reason, in this introduction we have insisted on the importance of taking a processual and contextualized micro-analytical perspective. This allows us to address large historical questions and compare widely across time and space, while also paying due attention to the contextual production of historical processes and change. At this level, as the articles here show, the investigation of the role of punishment in labour management ceases to be exclusively a specialized subfield of research and reveals itself also as an original entry point into a richer and more capacious global social history of work.