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SUGGESTIONS AND DEBATES

Historicizing Extramural Convict Labour: Trajectories and Transitions in Early Modern Europe*

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ABSTRACT: New global histories of punishment are steadily decentring the history of punishment and convict labour, challenging traditional conceptions of a linear path towards a single penal modernity and the penitentiary as the telos of its history. Through an exploration of three strands of extramural convict labour emerging in Copenhagen (1558), Ulm (1561), and Almadén (1566), this interpretative essay argues that this challenge can be furthered by taking a view of Europe's own penal history from which the focus is less on origins and more on how the landscape of punishment evolved through a continuous and largely contingent process of assemblage. In this process, a few key elements – labour, displacement, pain, and confinement – were combined and mixed to different effects in specific contexts. Along with that approach comes the need to historicize the process by relating it to other practices of labour coercion, both within the penal field and outside it.

In the small community of Ejby in central Zealand, Denmark, one Hans Rasmussen Væver consistently refused to stop his pigs running free in the rye fields. Eventually, the situation became too much for the villagers, so they confronted him one autumn morning in 1686. Væver responded angrily. "I respect you less than this", he said coldly, tapping his foot in the dirt. When the men threatened to take him before the authorities, he retorted: "I shit on authority", turned on his heel, and walked away.[1]

1. Testimonies before the Voldborg District Court, 23 July 1687, Rigsarkivet, Holmens chef (Søetaten), Domme over fangerne på Bremerholm 1687–1689, Documents concerning Hans Rasmussen Væver.

Væver's antisocial behaviour triggered a series of events. In September of the following year, a judge found him guilty of crimes including repeated threats against his neighbours and a series of blasphemous remarks that had enraged the local priest. Further investigation had revealed that Væver had been in the habit of handling stolen property and that he had made his house a sanctuary for thieves and runaways. He had himself been directly complicit in the theft of a wooden cart, and in court his daughter had let slip that they sometimes stole and butchered the lambs of other villagers if the opportunity arose as the herds mingled in the pastures. Added to which the entire village knew Væver's bad reputation, which damned him further. His attempt to get hold of a skeleton key and a fork in order to escape from custody did not help him either.

Væver was finally sentenced to be branded on the forehead and flogged by an executioner, to strip away a few layers of skin but every last scrap of the man's honour. Then he was to be sent to Copenhagen to perform hard manual labour for the rest of his days. When the judge asked whether he wanted to appeal, Væver replied that he was in no position to take the case further, but asked instead for what he perceived to be mercy. He requested that, "his heinous crime could be punished by having his eyes stabbed out so that he became blind, that his ears could be cut off or his hands dismembered and that he could be banished". All of this was "so that he could avoid Bremerholmen". Bremerholmen was a naval shipyard in Copenhagen, roughly fifty kilometres east of his village.[2]

But for Væver there was no clemency; he did indeed end up in Bremerholmen, where he joined ranks with other men in chains (Figure 1) who had been sent there from all kinds of places within Denmark-Norway, men who, like him, had violated the laws of the absolutist Danish king. The naval complex was situated in the heart of the capital, and convicts had toiled there since the mid-sixteenth century at sentences of hard labour. The prison, called Trunken, dated from 1620 and the convicts ate there, slept there, and plotted their endless attempts to escape from there. The building stood right within the naval complex, actually in the dockyard, the convicts working there or at other sites across the city. When Væver arrived in the Bremerholmen prison, similar institutions for male convict labour were emerging in many places across Northern Europe, and in Scandinavia they were becoming widely known as "slaveries".

Væver was a defiant man. He did not fear the men of his village; he did not fear his masters; he did not even fear the wrath of the priest, or of the God whom he claimed to represent. In fact, Væver seems to have feared no man; and yet, this convict labour institution terrified him, for he clearly had an idea of what lay in store there. Meanwhile, scholars have directed their attention almost everywhere except towards this type of convict labour institution. This essay therefore represents an attempt at course correction.

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2. Sentence passed on Hans Rasmussen Væver, 3 September 1687, Rigsarkivet, Holmens chef (Søetaten), Domme over fangerne på Bremerholm 1687–1689.

Figure 1. Pieces of irons and shackles as worn by convicts in Scandinavia. The band on the top was worn around the waist and connected by the chain to a smaller band below the knee. *Nationalmuseet, Copenhagen, Denmark, with permission.*

Convict labour institutions existed throughout Europe and were defined by extramural labour, meaning labour performed outside the prison walls. They were far from marginal forms of punishment but had existed for centuries as part of complex punitive regimes that included intramural workhouse labour in prisons, as well as a wide range of corporal punishment and various elements of punitive relocation. They drew on myriad traditions of labour coercion across the continent and beyond it.

In this article, I shall trace different trajectories and developments in the use of convicts in extramural convict labour institutions and argue that the prevailing concepts and narratives surrounding such practices of labour coercion are in need of historicization. Thus, the article aims to decentre Europe's penal history by mapping the plurality of different types of convict labour institution within early modern Europe. The decentring is both literal and figurative;

literal in that it is focused on the parts of Northern and Central Europe most often overlooked in wider histories of punishment that have tended to focus on certain forms of incarceration and their appearance in Western European states, and figurative in its focus on strands of punishment that have not been considered important due to their perceived lack of impact on modern forms of incarceration. In expanding the scope therefore, I would argue that punishment can be understood throughout these historical periods as practices of assemblage, by which several elements and techniques have been combined to evolving effect. By suggesting a framework that starts from the plural and contingent character of Europe's penal trajectories, the concept of assemblage can help us historicize the dynamics that define Europe's history of punishment. While demand for labour provided clear impetus for processes of convict labour institutionalization in a host of settings, the specific historical conditions and varying contexts of labour coercion can help us understand why those processes resulted in heterogeneous assemblages across Europe.

GENEALOGIES OF EXTRAMURAL CONVICT LABOUR

Since the 1970s, much scholarship on the history of punishment has been focused on the emergence during the nineteenth century of the modern penitentiary.[3] Initially, the arrival of the modern prison led historians to treat everything else as an anomalous other, lumping together disparate phenomena into ill-conceived residual categories. Historians and philosophers favoured a language of "birth" in which something conceived as fundamentally new in the late eighteenth century brought with it a singular identity into the world.[4] Then, in the 1990s, the narrative of the modern penitentiary and the discipline associated with it were projected backwards; the prison workhouses that emerged in the late sixteenth-century Netherlands – in which marginals performed intramural labour under factory-like conditions – were situated as precursors to the penitentiary.[5] Crucially, the conception of a history

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3. Michel Foucault, *Discipline and Punish: The Birth of the Prison* (London, 1977); Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution 1750–1850* (New York, 1978); Norbert Finzsch and Robert Jütte (eds), *Institutions of Confinement: Hospitals, Asylums, and Prisons in Western Europe and North America, 1500–1950* (Cambridge, 1996).
4. In Foucault's study, the prison was *born*, while in Ignatieff's prison, reformer John Howard was the *father* of the prison.
5. Pieter Spierenburg, *The Prison Experience: Disciplinary Institutions and their Inmates in Early Modern Europe* (Amsterdam, 1991), p. 143. See also *idem*, "From Amsterdam to Auburn: An Explanation for the Rise of the Prison in Seventeenth-Century Holland and Nineteenth-Century America", *Journal of Social History*, 20:3 (1987), pp. 439–461; Thomas Krause, *Geschichte des Strafvollzugs. Von den Kerkern des Altertums bis zur Gegenwart* (Darmstadt, 1999); Gerhard Ammerer, Falk Bretschneider, and Alfred Stefan Weiß (eds), *Gefängnis und Gesellschaft. Zur (Vor-)Geschichte der strafenden Einsperrung* (Leipzig, 2003);

revolving around a single lineage persisted.[6] Effectively, the prison workhouse became an indicator of modernity while other forms of punishment were seen as leading nowhere.

Recent scholarship challenges such narratives. The story of a single penal modernity has been slowly shattered as historians have begun to look beyond Western Europe.[7] Influenced by the tenets of global history, scholars now write narratives of punishment that bypass strict linearity,[8] and increasingly calls are being heard for conceptualizations of "punitive pluralism".[9] The furthest advances have been made in studies of convict transportation that have systematically challenged the notion of a single type of modern prison and a past leading directly to it.[10] Various forms of "punitive relocation", such as banishment and deportation, are often included within the perspectives offered by such histories, unearthing a complex tangle of diverse

Gerhard Ammerer, "Zucht- und Arbeitshäuser, Freiheitsstrafen und Gefängnisdiskurs in Österreich 1750–1850", in Gerhard Ammerer and Alfred Stefan Weiß (eds), *Strafe, Disziplin und Besserung. Österreichische Zucht- und Arbeitshäuser von 1750 bis 1850* (Frankfurt am Main, 2006), pp. 7–62; Sandra Scicluna, "The Mad, the Bad and the Pauper: Help and Control in Early Modern Carceral Institutions", in Paul Knepper and Anja Johansen (eds), *The Oxford Handbook of the History of Crime and Criminal Justice* (Oxford, 2017), pp. 655–671.

6. Furthering this push backwards, Guy Geltner has traced the origins of incarceration to medieval Italy in a study that is both convincing and fascinating, but does little to undo teleology. See Guy Geltner, *The Medieval Prison: A Social History* (Princeton, NJ, 2008).

7. Entry points to this historiography are provided by Frank Dikötter and Ian Brown (eds), *Cultures of Confinement: A History of the Prison in Africa, Asia, and Latin America* (New York, 2007); Mary Gibson, "Global Perspectives on the Birth of the Prison", *American Historical Review*, 116:4 (2011), pp. 1040–1063.

8. For example, Ethan Blue, *Doing Time in the Depression: Everyday Life in Texas and California Prisons* (New York, 2012).

9. Christian G. De Vito, "Punishment and Labour Relations: Cuba between Abolition and Empire (1835–1886)", *Crime, Histoire & Sociétés*, 22:1 (2018), pp. 53–79. See also Taylor C. Sherman, "Tensions of Colonial Punishment: Perspectives of Recent Developments in the Study of Coercive Networks in Asia, Africa and the Caribbean", *The History Compass*, 7:3 (2009), pp. 659–677; Christian G. De Vito and Alex Lichtenstein, "Writing a Global History of Convict Labour", *International Review of Social History*, 58:2 (2013), pp. 285–325.

10. Key works include Clare Anderson, *Convicts in the Indian Ocean* (Basingstoke, 2000); Timothy J. Coates, *Convicts and Orphans: Forced and State-Sponsored Colonizers in the Portuguese Empire, 1550–1755* (Stanford, CA, 2002); Kerry Ward, *Networks of Empire: Forced Migration in the Dutch East India Company* (Cambridge, 2008); Clare Anderson, *Subaltern Lives: Biographies of Colonialism in the Indian Ocean World, 1790–1920* (Cambridge, 2012); Timothy J. Coates, *Convict Labor in the Portuguese Empire, 1740–1932: Redefining the Empire with Forced Labor and New Imperialism* (Leiden, 2013); Clare Anderson (ed.), *A Global History of Convicts and Penal Colonies* (London, 2018). See also the contributions to 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: Special Issue 26 (2018).

punishments.[11] That said, while the new global turn is making strides, the many different uses of extramural convict labour within Europe have not yet received much attention.

However, that might be changing. In an article in a recent state-of-the-art volume on penal colonies in a global context, Mary Gibson and Ilaria Poerio have followed up the challenges posed by studies of transportation and brought their leading themes back to the study of Europe itself. They traced what can be seen as an overlooked tradition in the penal history of Europe and argued that a "new mapping of European convicts must include not only those transported overseas but also the inmates of the often forgotten internal penal camps that continued to survive and expand alongside the new penitentiary".[12] Their claim is a simple one, namely, that in parallel with the modern penitentiary, which evolved c.1800 but retained features inherited from the prison workhouses of the late sixteenth century, a different form emerged that would come to have an equivalent impact on modernity. The new form did not culminate in prisons with cells and panoptic ideals, but in the forced labour camps that litter modern history. Substantiating their claim, Gibson and Poerio have traced a lineage in which the forced labour camp was not a sudden invention but was built on earlier precedents both within and outside Europe.

Working backwards, Gibson and Poerio outline a period from World War I to the mid-eighteenth century that they conceptualize as a period of experimentation in forms of male convict labour displacement and exploitation within Europe. They imply that penal modernity was effectively born and then reborn, first arriving in the form of imprisonment, then reappearing as the "internal" penal colony. To understand the importance of Gibson and Poerio's suggestion, we should perhaps note that the latest fully fledged attempt among English-language writers to explore the tradition that Gibson and Poerio have conceptualized is to be found in a few chapters in criminologist Johan Thorsten Sellin's *Slavery and the Penal System*, published in 1976.[13] Thus, while the traditions of such punishment have occasionally been explored in national historiographies, attempts at synthesis are rare.

However, as may be expected from ground-breaking attempts at synthesis, Gibson and Poerio sometimes struggle. Their argument that this form of convict labour institution emerged in the mid-eighteenth century requires them to date it to a specific site in the Mediterranean. At approximately that time, Southern European powers abandoned the galley and began to use

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11. Christian G. De Vito, Clare Anderson, and Ulbe Bosma, "Transportation, Deportation and Exile: Perspectives from the Colonies in the Nineteenth and Twentieth Centuries," *International Review of Social History*, 63:SI26 (2018), pp. 1–24, 6.
12. Mary Gibson and Ilaria Poerio, "Modern Europe, 1750–1950", in Anderson, *A Global History of Convicts and Penal Colonies*, pp. 337–370, 364.
13. J. Thorsten Sellin, *Slavery and the Penal System* (New York, 1976).

convict labour systematically ashore. Thus, the beginning of this tradition, as Gibson and Poerio argue, is marked by the emergence of the *bagnes*, arsenal prisons in port cities, the most famous of which was the one built in Toulon in 1748. Gibson and Poerio suggest that the appearance of the *bagnes* marks a beginning, but while that makes a degree of sense from a Southern European perspective, it runs counter to what we find if we include the rest of Europe. In fact, by the mid-eighteenth century, convicts in extramural convict labour institutions elsewhere in Europe had toiled on land for about two hundred years.

To explore what predated this amphibian moment, we must develop conceptual frameworks that rely not on teleology but instead fully embrace the composite character of punishment. Taking a wider look at Europe and its penal landscape, I would suggest we start by examining a different period, the mid-sixteenth century.[14] For the purposes of this essay, the most notable developments during that period were those in Copenhagen in 1558, in Ulm in 1561, and at Almadén in 1566. In each of those settings, labour coercion and punishment were combined in specific assemblages and followed by enduring processes of institutionalization of extramural convict labour. Those processes evolved unevenly but came to form a rich tapestry into which the *bagnes* would be woven in due course.

SIXTEENTH-CENTURY DEVELOPMENTS

In a way, the use of convicts as labourers lay dormant in sixteenth-century Denmark-Norway. "Penal thraldom" existed as a legal category although it had not been in use for centuries. The still-current twelfth-century law codes even allowed thieves to be handed over to the state to serve as the king's thralls.[15] That was an explicit but very specific form of slavery, for while arguably the property of the king, the thrall was not supposed to be sold to a third party.[16] Thus, convict labour in the service of the state existed in law but was given new meaning in practice as part of the criminalization of

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14. This period is similarly important in the study of intramural convict labour due to the creation of the English bridewells – workhouses that, it has been argued, foreshadowed the prison workhouses. Spierenburg, *Prison Experience*, pp. 23–24. Their role as labour institutions for punishment is discussed in J.M. Beattie, *Crime and the Courts in England 1660–1800* (Oxford, 1986), pp. 492–500.

15. On medieval thraldom, see Niels Skuym-Nielsen, *Kvinde og slave* (Copenhagen, 1971).

16. Fr. Stuckenberg, *Fængselsvæsenet i Danmark 1550–1741* (Copenhagen, 1893); Poul Johannes Jørgensen, *Dansk Rets Historie* (Copenhagen, 1974), p. 206. As argued by Alice Rio, medieval forms of enslavement in Europe cannot be reduced to Roman influences and there are no clear ties from this phenomenon to Roman sanctions such as opus publicum. Alice Rio, "Penal Enslavement in the Early Middle Ages", in Christian G. De Vito and Alex Lichtenstein (eds), *Global Convict Labour* (Leiden, 2015), pp. 79–107.

vagrancy. A 1558 law called for the authorities – whether representing the state, local communities, or estate owners – to apprehend habitual vagrants and place them into "labour and thraldom".[17] We have no evidence that private employers ever did that, but the state certainly did, for, in that same year, construction work on the fortifications of Copenhagen called for the mobilization of large numbers of labourers. A letter from the king argued that labourers could be found by impressing "wandering beggars"[18] and a few years later, in 1566, the king was demanding that vagrants be taken to Copenhagen to work in the naval dockyard, where they could help rebuild the navy to make good the losses in the war with Sweden.[19]

   At first sight, the scheme looks much like impressment. This is no coincidence, for the defining context for punitive turns in the mid-sixteenth century was the rapid development of military-fiscal states. From that point of view, then, such punishment schemes read as expressions of competition in the rapidly escalating arms race, and the Danish case highlights the connection. For the rest of the century, there were repeated calls for the use of vagrants especially in fortifications in or near Copenhagen, calls that were clearly motivated initially by the need for labour and only gradually became imbued with other aims as time went on. Perhaps the first sign of such mission creep comes from 1576, when a dispatch was sent to the king's provincial representatives arguing that the proliferation of vagrants called for action. Those apprehended should be put in chains and sent to Copenhagen. Clearly then, in addition to the need to meet demand for labour, a rationale of deterrence and crime fighting was emerging.[20]

   Slowly, other types of transgressors were targeted to perform similar labour in the capital. Most importantly, thieves who would have been hanged were given the option of hard labour – although there exists a note written in 1600 to the executioner in Copenhagen informing him that such individuals should indeed hang when they were no longer able to work.[21] Around the same time, vagrants were commonly sent to institutions of intramural labour, while extramural labour became the punishment reserved for felons such as deserters and offenders against property. Gradually, what had begun as ad hoc conscription was becoming a defined form of punishment in its own right,[22] to the extent that, by 1620, a purpose-built prison had been put up to house such convicts. Until then, the convicts had been accommodated in

17. Tyge Krogh, *Staten og de besiddelsesløse på landet 1500–1800* (Odense, 1987), pp. 82–84.
18. C.F. Bricka *et al.* (eds), *Kancelliets brevbøger*, multiple vols (Copenhagen, 1885–), 1556–1560, p. 204.
19. *Ibid*., 1566–1570, p. 90.
20. *Ibid*., 1596–1602, pp. 238–239, and 1603–1608, pp. 387, 390, and 645.
21. Regnskaber 1599–1603, Rigsarkivet, Lensregnskaber 1559–1662, København A.
22. See lists of prisoners from the early 1620s in C.F. Bricka and J.A. Fridericia (eds), *Kong Christian den Fjerdes Egenhændige Breve*, 6 vols (Copenhagen, 1887–1889), I, pp. 249–263.

the jail of Copenhagen castle, but now there was the Trunken on the Copenhagen docks. During the day, the convicts performed a wide range of manual labour in the maintenance of Denmark's navy, hauling timber and working the bellows, for example, among many similar tasks in the construction and provisioning of ships. Billeted in fortresses, they did diverse manual tasks for the creation and maintenance of the military infrastructure.[23] After work, however, wherever they were, they spent the night under lock and key. As with most forms of extramural convict labour in the period, only men were placed in such punishment institutions.[24]

Trunken was built for and came to house only "convicts" as such. Effectively, that means that it met the criteria put forward by the late Pieter Spierenburg for a "criminal prison", although it predates the Rasphouse in Amsterdam, which was opened in 1654 and that Spierenburg, in his landmark study, saw as the world's first proper prison.[25] However, in the light of this present essay's wider argument, it does not make much sense to argue that Trunken was truly the world's first prison. In fact, as historians of prisons all over the world have argued, the institution of prison has never known a single form.[26] For that reason alone, therefore, to work from what would be an ahistorical definition is untenable. Projecting such a definition onto the past by establishing a history of ultimate origins effaces the pluralism that typifies penal history. Rather, we should take this double birth date of the prison as a signifier that it was dismantled and reassembled in a variety of ways over and over again. Prisons were indeed assembled from similar parts, and they formed a geography of coercion in which institutions and traditions evolved that were structurally related, but of plural forms.

Thus, the Danish development referred to above concurred with new practices elsewhere. The first mention of extramural penal labour in German-speaking territories is from the city of Ulm, on the Danube, and dates from 1561. It was initially directed at juvenile offenders and in its initial phase seems to have carried rehabilitative objectives. But before long, older vagrants, too, were shackled and put to work. In the sixteenth century, that work was cleaning the streets, but, in the seventeenth century, convicts were used for manual labour on fortifications as well. Initially, those undergoing punishment spent their nights at home, but later they were kept in the local hospital. We know that similar punishments were adopted before the turn

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23. David Høyer, "Udenværkernes forandring 1818–1821. En fortælling om Kronborg, stormflod, fæstningskrig, ingeniører, kronarbejdere", *Årbog (Helsingør Kommunes Museer)* (2005), pp. 5–47; Poul Grinder-Hansen, *Kronborg: Fortællingen om et slot* (Copenhagen, 2018), pp. 219, and 354–359.
24. Johan Heinsen, *Det første fængsel* (Aarhus, 2018), p. 21.
25. Spierenburg, *Prison Experience*, p. 143.
26. Gibson, "Global Perspectives".

of the century in Colmar, Nuremberg, and Strasbourg,[27] and that the same style of punishment moved south to become widespread in Switzerland during the first decades of the seventeenth century. There it was known as *Schellenwerk* (from *Schellen*, meaning bell), because some convicts carried bells on their chains, perhaps intended to shame them because of the association of bells with the figure of the fool.[28] Whereas use of such punishment waned in Germany in the later seventeenth century, until it was eventually replaced by intramural labour in prison workhouses, in Switzerland it persisted into the nineteenth century.[29] In many landlocked territories these penal practices existed in parallel to other uses of convict labour, such as prison workhouses and even galley servitude, with felons sometimes exported to northern Italian states and put to the oar.[30]

While Danish practice had resurrected the spectre of medieval enslavement, the *Schellenwerke* have been linked with the *ateliers public* of early sixteenth-century Paris. In a little-known thesis, Georg Fumasoli has argued convincingly for a connection, although he could find nothing to prove it beyond doubt. In Paris, and later elsewhere in France, the persecution of beggars had resulted in the creation in 1519 of an institution of forced labour run by the local poor relief authorities, although the schemes ran at such deficits that donations were necessary. Beggars were put in chains and employed in return for wages to perform manual labour on fortifications or to clean the streets. At night, they slept in hospitals or at the fortifications. However, such initiatives never gained any firm institutional footing on French soil, and by the seventeenth century they had been supplanted by the intramural labour of the so-called *Hôpitaux généraux*.[31] It remains true, however, that what emerged in southern Germany appears closely related to the French system – at least outwardly.

The third case from the mid-sixteenth century is the best known in the international literature thanks to the work of Ruth Pike. It is from the Spain of only a few years later, and the initiative for the deployment of convicts there came

27. Georg Fumasoli, *Ursprünge und Anfänge der Schellenwerke. Ein Beitrag zur Frühgeschichte des Zuchthauswesens* (Zurich, 1981), pp. 30–34.
28. Krause, *Geschichte des Strafvollzugs*, pp. 22–24; Fumasoli, *Ursprünge und Anfänge der Schellenwerke*.
29. Mirjam Schwendimann Mühlheim, "Gefangen im Schallenhaus. Strafvollzug in der Stadt Bern 1775–1817", *Berner Zeitschrift für Geschichte*, 77:1 (2015), pp. 3–35.
30. Helfried Valentinitsch, "Galeerenstrafe und Zwangsarbeit an der Militärgrenze in der Frühen Neuzeit. Zur Geschichte des Strafvollzugs in den innerösterreichischen Ländern", in *idem* and Markus Steppan (eds), *Festschrift für Gernot Kocher zum 60. Geburtstag* (Graz, 2002), pp. 331–366; M. Friedrich von Maasburg, *Die Galeerenstrafe in den deutschen und böhmischen Erbländern Oesterreichs* (Vienna, 1885); Gerhard Schuck, "Arbeit als Policeystrafe: Policey und Strafjustiz", in Karl Härter (ed.), *Policey und frühneuzeitliche Gesellschaft* (Frankfurt am Main, 2000), pp. 611–626.
31. Fumasoli, *Ursprünge und Anfänge der Schellenwerke*, pp. 31–34.

from German bankers who were in need of labourers to run their Spanish mercury mines. In 1566, German bankers were granted the right to a small contingent of *forzados*, as the convicts were known. The work was profoundly unhealthy, much of it consisting of manning pumps to prevent flooding. Poisoning from the toxic fumes of mercury was a constant hazard.[32] Convicts still worked in mines in the eighteenth century, although their numbers remained low,[33] meaning that compared to the other two strands this one had the least traction.

There was a clear precedent in Roman times for punishment of this type, for forced labour in the mines had been a legally sanctioned punishment for felons in the Ancient World – there had been many sentenced to "damnatio ad metalla".[34] However, the main driver in its more recent adoption was the question of labour scarcity. The use of *forzados* should, therefore, be read against a wider backdrop of labour coercion being married to punishment. Thus, the same period saw intensified institutionalization of convicts as oarsmen, replacing the at least nominally voluntary rowers in the navies of Spain, Portugal, Italian city-states, and later France.[35] A similar process unfolded in the Ottoman Empire, although there recruitment was generally orchestrated through levies.[36] For their part, landlocked territories in Central Europe

32. Alessandro Stella, *Histoires d'esclaves dans la Péninsule Ibérique* (Paris, 2000), p. 93.

33. Ruth Pike, *Penal Servitude in Early Modern Spain* (Madison, WI, 1983), pp. 27–39. For a larger discussion of the mines, see Rafael Gil Bautista, "Almadén y sus Reales Minas de Azogue en el siglo XVIII" (Ph.D., Universidad de Alicante, 2012). For a discussion of the use of convicts in the context of enslavement in Iberia, see William D. Phillips, Jr, "Iberia's Old World Slaving Zones in the Late Medieval and Early Modern Periods", in Jeff Fynn-Paul and Damian Alain Pargas (eds), *Slaving Zones: Cultural Identities, Ideologies, and Institutions in the Evolution of Global Slavery* (Leiden, 2018), pp. 94–117.

34. Other powers, too, including Denmark-Norway, experimented with convict labour in mining in the same period. We know next to nothing about the practice of sending Norwegian convicts to iron and silver mines, except that it ended in 1734 when it was abolished by the Danish king on the grounds that it had become unprofitable and that the convicts could "easily escape from there". Nothing suggests that it was influenced by Almadén. Jacob Henric Schou, *Chronologisk Register over de Kongelige Forordninger og Aabne Breve* (Copenhagen, 1795), 19 February 1734.

35. The galleys have their own deep and evolving historiography. A few key works are: Paul Bamford, *Fighting Ships and Prisons: The Mediterranean Galleys of France in the Age of Louis XIV* (Minneapolis, MN, 1973); André Zysberg, *Les Galériens. Vies et Destins de 60 000 Forçats sur les Galères de France 1680–1748* (Paris, 1987); Luca Lo Basso, *Uomini da remo. Galee e galeotti del Mediterraneo in età moderna* (Milan, 2004); Manuel Martínez, *Los Forzados de Marina en la España del Siglo XVIII (1700–1775)* (Almería, 2011). On galleys in colonial contexts, see Christian G. De Vito, "The Spanish Empire, 1500–1898", in Anderson, *A Global History of Convicts and Penal Colonies*, pp. 65–96. A synthesis of the relationship between maritime warfare and recruitment systems across Europe is provided by Jan Glete, *Warfare at Sea, 1500–1650: Maritime Conflicts and the Transformation of Europe* (London, 1999), pp. 54–64.

36. Colin Imber, "The Navy of Süleyman the Magnificent", *Archivum Ottomanicum*, VI (1980), pp. 211–282. In the Muslim world, various uses of convict labour are known to date back to the early Islamic period. For more on the Ottoman use of convict labour, see Fariba Zarinebaf, *Crime and Punishment in Istanbul: 1700–1800* (Berkeley, CA, 2010), ch. 9; Anthony Gorman,

would often export convicts to maritime powers. While convicts had been used intermittently before the sixteenth century to man galleys, the practice was by now cemented and grew enormously in scale. The convicts lived on the galleys, even when not at sea, although in certain cases – especially after the mid-seventeenth century – convicts are known to have worked intermittently ashore when their vessels were in port.[37] At such times, a galley functioned simply as a prison, in much the same way as other contemporary extramural convict labour institutions across the continent. As argued by Christian De Vito and Alex Lichtenstein, it was, "the growing difficulty of sustaining galley costs that led private and state actors to slaves and convicts during the sixteenth and seventeenth centuries".[38] Labour needs at what was a crucial time of incessant maritime conflict meant that convict oarsmen were suddenly essential, even if they were not the preferred source. However, contrarily to popular imagination, the punishment of galley servitude was not a leftover from the Romans.[39] Instead, it was a completely logical deployment of human resources in a context of ever-present warfare and manpower shortage across the Mediterranean in which coerced labour already met a host of needs.

The name *forzados* commonly applied to the convicts at Almadén clearly suggests the link between galley and mine, just as it designated the convict rowers. The convicts destined for Almadén were selected from men awaiting transfer to the galleys in Toledo, and we know that in later centuries they wore distinctive dress and that their heads were shaved.[40] However, while this use of convict labour persisted for centuries it never became a distinct form of punishment under the law, remaining instead a sort of extension to practices of galley servitude. On the galleys, convicts had come to be worked, to live, and die side by side with slaves, as was the case in the mines. Thus, while Northern European practices of extramural convict labour should be read in a context of military mobilization and exploitation, the same goes for the use of convicts in Almadén. However, differences in the broader settings in which these states used coercion as a means of labour mobilization meant that concurrent turns produced wildly diverging experiences.

"Regulation, Reform and Resistance in the Middle Eastern Prison", in Dikötter and Brown, *Cultures of Confinement*, pp. 95–146.
37. Pike, *Penal Servitude in Early Modern Spain*, pp. 25–26.
38. De Vito and Lichtenstein, "Writing a Global History of Convict Labour", p. 295. A similar conclusion on Ottoman practices is drawn in Colin Imber, *The Ottoman Empire, 1300–1650: The Structure of Power* (Basingstoke, 2002), pp. 307–308.
39. Miriam J. Groen-Vallinga and Laurens E. Tacoma, "Contextualising Condemnation to Hard Labour in the Roman Empire", in De Vito and Lichtenstein, *Global Convict Labour*, pp. 49–78, 49.
40. Bautista, "Almadén", p. 339.

EVOLVING TRADITIONS

The three strands represented by Copenhagen, Ulm, and Almadén have their own separate histories, too, even if they eventually became entangled. We can imagine them as trajectories along which extramural labour spread; but just as they did not share a single origin, none of them came to form a fixed model.

In Scandinavia, and later in much of Northern Europe, extramural convict labour institutions became a strand within bifurcated systems of convict labour and incarceration as they evolved side by side with intramural institutions. By 1606, a prison workhouse had opened in Copenhagen based on Dutch precedents, in which confined female convicts, juvenile delinquents, and paupers all performed labour.[41] For the next two centuries, workhouses designed around intramural labour, typically spinning, and prisons designed around extramural labour for the military state co-existed, and both types of institution spread across Scandinavia. However, they were not mirror images; they were in fact quite different institutions. Whereas the inmates in the prison workhouses were often considered "members" (*lemmer*) of a household-like structure, convicts in extramural institutions were eventually conceptualized as "slaves" – a modern term that had by then supplanted the older vocabulary of "thraldom". This all coincided with Scandinavian engagement in the transatlantic slave trade during the last decades of the seventeenth century,[42] so that during the eighteenth century, Denmark-Norway was littered with institutions called "slaveries". There was neither irony, nor criticism inherent in that wording, which was used even in official documents.[43] The chains marked out a man working at a fortress or in the dockyards as a slave, whereas inhabitants of the workhouses were not generally chained, although they were confined – effectively incarcerated – at all times. The military state's demand for labour linked both types of institution to a wider set of practices in labour coercion. If need arose, convicts could be recruited as soldiers or handed over to state-sponsored trading companies as colonial labour in the Caribbean or the Arctic.[44]

Meanwhile, Sweden adopted Danish practices and adapted them. After acquiring independence in the 1520s, Sweden had established a formidable

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41. Anette Larner, "The Good Household Gone Bad: Tracing the Good Household in Early Modern Denmark through Crime and Incarceration" (Ph.D. Aarhus University, 2018).
42. Heinsen, *Det første fængsel*. When Danish jurists describing convict labour made Roman parallels, they instead pointed to concepts such as the *ergastulum* (the prison for slaves on the plantations) or *pistrinum* (bakeries and mills used as punishments for slaves). See, for instance, the dictionary of late seventeenth-century supreme court judge Mathias Moth, available at http://www.mothsordbog.dk (last accessed 3 January 2020).
43. For instance, the entry books were called *slaveruller*. See Slaverulle 1741–1770, Rigsarkivet, Københavns Stokhus.
44. Johan Heinsen, *Mutiny in the Danish Atlantic World: Convicts, Sailors, and a Dissonant Empire* (London, 2017); Finn Gad, *Grønlands Historie II. 1700–1782* (Copenhagen, 1969), p. 158.

army, which allowed it to expand its influence throughout the Baltic. By the mid-seventeenth century, Swedish monarchs had gained the upper hand over their Danish rivals to the extent that they were able to wrestle Scania from them in 1658. The aggressive militarization of Swedish society explains why sixteenth- and seventeenth-century recruitment acts called for the forced conscription of vagrants, thereby making soldiering a punitive measure.[45] Those unfit for service faced the prospect of ending up in the prison workhouse that had been established in Stockholm, while a few convicts even ended up transported across the Atlantic to the Swedish colony of Nya Sverige (1638–1655). Their transportation was an experiment in convict labour that seems to have drawn on English uses of convicts as indentured servants in their North American colonies.[46] However, by the second half of the seventeenth century new conscription measures rendered obsolete the need for the impressment of the marginalized, while convict labour was employed in the construction and maintenance of fortifications in a way that closely mirrored Danish practices. Incidentally, it was the newly established fortifications along the new southwestern border with Denmark created after 1658 that became the usual destination for such Swedish convicts. Military concerns therefore led to the concentrated use of extramural convicts on fortifications along both sides of the narrow Kattegat. Like the Danes, the Swedes, too, came to think of such men as "slaves", distinguishing their status from that of workhouse inmates.[47]

The trajectory in northern Germany is less clear. Historian Thomas Krause has argued that the use of the seemingly similar *karrenstrafe*, which saw men chained to wheelbarrows, is first known from a reference from Hamburg in 1609 and that it originated in southern Germany. This leap enables an interpretation in which the widespread use in late seventeenth-century northern and eastern German states of convicts on fortifications was an offshoot of a practice that had emerged in Ulm.[48] The link is, however, unclear, and even if there were one we should not assume from it an origin in Ulm for the later proliferation of extramural labour on fortifications in states like Hanover, Saxony, and Prussia. As extramural convict labour became

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45. Annika Snare, *Work, War, Prison, and Welfare: Control of the Laboring Poor in Sweden* (Copenhagen, 1977), pp. 37–69.

46. Johan Heinsen, "The Scandinavian Empires in the Seventeenth and Eighteenth Centuries", in Anderson, *A Global History of Convicts and Penal Colonies*, pp. 97–122; Sten Carlsson, "The New Sweden Colonists, 1628–1656: Their Geographical and Social Background", in Carol E. Hoffecker *et al.* (eds), *New Sweden in America* (Newark, NJ, 1995), pp. 171–187.

47. Sigfred Wieselgren, *Sveriges fängelser og fångvård från äldre tider till våra dagar* (Stockholm, 1895); Snare, *Work, War, Prison, and Welfare*, pp. 50–51.

48. Krause, *Geschichte des Strafvollzugs*, p. 22; see also Spierenburg, *Prison Experience*, pp. 263–264. Following Krause, Karl Härter sketches a similar trajectory in *Policey und Strafjustiz in Kurmainz. Gesetzgebung, Normdurchsetzung und Sozialkontrolle im frühneuzeitlichen Territorialstaat*, 2 vols (Frankfurt am Main, 2005), II, p. 659.

institutionalized around 1700 and proliferated throughout those parts of Germany, its form was indistinguishable from the Scandinavian uses of convicts in their slaveries. German convicts resided in prisons on the fortifications and their labour benefited the military;[49] even their diet was similar, consisting mainly of coarse bread. It is worth pointing out here that, of course, there is nothing at all strange in the fact that Scandinavian practices appear to have found uses in Germany, because the Danish king was also Duke of the German territories of Schleswig–Holstein and was therefore a political player within the Holy Roman Empire. Indeed, during the last decades of the seventeenth century, the Danish king himself caused slaveries to be created in his own German possessions of Schleswig and Holstein.

Convict labour in military institutions became especially important in eighteenth-century Prussia, Hanover, and Schleswig-Holstein – in other words in northern and central Germany – whereas in southern Germany, at the same time, a different trajectory took shape as extramural labour was abandoned in favour of intramural workhouse labour.[50] It therefore seems sound to argue that two related forms of extramural labour continued to exist in northern and central Europe, both performed by chained labourers. However, while the northern strand was almost always associated with the military sector, the southern one was not. The *Schellenwerke* contained elements similar to those of prison workhouses, including the fact that, in many cases, inmates were fully accommodated in workhouses that also contained other groups performing intramural labour.

Rather than going north, the practices developed in Ulm migrated southwards, with *Schellenwerke* becoming an important penal measure in Switzerland and remaining closely associated with attempts to control and discipline the poor. It is possible that such practices found their way into Habsburg Austria, although if so they appear to have mutated in the process. In Austria, by 1744 the combination of intramural workhouse labour and extramural work in city streets was combined with a deportation scheme which, after it was taken over by the Habsburgs, was transplanted via the Danube to Timisoara.[51] While that Eastern European institution was not

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49. These institutions have largely been studied in local perspectives and case studies. See Georg Forrer, *Die Freiheitsstrafe im friderizianischen Preussen* (Zürich, 1975); Wolfgang Kröner, *Freiheitsstrafe und Strafvollzug in den Herzogtümen Schleswig, Holstein und Lauenburg von 1700 bis 1864* (Frankfurt am Main, 1988); Thomas Krause, *Die Strafrechtspflege im Kurfürstentum und Königreich Hannover* (Aalen, 1991); Härter, *Policey und Strafjustiz*, pp. 661–680; Falk Bretschneider, *Gefangene Gesellschaft. Eine Geschichte der Einsperrung in Sachsen im 18. und 19. Jahrhundert* (Konstanz, 2008), pp. 211–217. A discussion of extramural labour in German historical understandings of incarceration may be found in Thomas Krause, "Opera Publica", in Ammerer *et al.*, *Gefängnis und Gesellschaft*, pp. 117–130.
50. Krause, *Geschichte des Strafvollzugs*, p. 54.
51. Stephan Steiner, "'An Austrian Cayenne': Convict Labour and Deportation in the Habsburg Empire of the Early Modern Period", in De Vito and Lichtenstein, *Global Convict Labour*,

called a *Schallenhaus* and the convicts did not carry bells, it did see a combination of intramural convict labour in the workhouse with the practice of using some of the inmates to perform chained labour around the city and on the fortifications, making it similar to the *Schellenwerke*, at least in form. That said, it might be that the practice was informed by previous Habsburg experiments in deportation and forced labour at its military fortresses on its Ottoman borders in Croatia, Hungary, and Slavonia. Extramural labour as punishment in those territories is mentioned in an instruction from 1612, but does not appear to have been practised regularly before the late 1630s, and by the second half of the seventeenth century convicts were being directed towards Hungarian fortresses. While Habsburg uses of penal labour thus showed distinct resemblance to the ad hoc practices of other powers – especially those of the sixteenth-century Danes – it seems unlikely that they drew much direct inspiration from them. Instead, they appear closely related to other practices of deportation along what were highly contested borderlands. Such practices included the relocation of unwanted populations and of ethnic and religious minorities.[52] Instead of assuming that this was migration of a stable form, we should see the structural similarities in this case rather as highlighting how authorities in early modern states, intent on arming their territories in a climate of endemic war, drew similar conclusions about the potential for linking punishment and labour coercion and then proceeded to combine similar elements to different effects.

The same can be said of developments in Spain. While convicts were sometimes used in Spain's American mines, the mid-sixteenth century Spanish version of extramural convict labour on land was eclipsed by galley servitude and the slowly evolving "*presidio*" punishment.[53] Spain's aggressive expansion in Northern Africa called for the mobilization of personnel in the *presidios* – the fortresses that were the key to Spanish dominion over Muslim territories. Eventually, *presidio* punishment spread throughout Spain's American colonies,[54] and as that model came into existence convict labour came to be

pp. 126–143. See also Stephan Steiner, *Rückkehr Unerwünscht. Deportationen in der Habsburgermonarchie der Frühen Neuzeit und ihr europäischer Kontext* (Vienna, 2014).

52. Valentinitsch, "Galeerenstrafe und Zwangsarbeit", pp. 331–366.

53. Habsburg rulers, too, intermittently used convicts in mines during the eighteenth century. See Steiner, *Rückkehr Unerwünscht*, pp. 41–42. So did their Ottoman rivals. Hayri Gökşin Özkoray, "Living Conditions and Workforce at the Copper Mines of Küre in Ottoman Kastamonu (16th–18th c.)", paper presented at the European Labour History Conference, Amsterdam, 2019.

54. De Vito, "The Spanish Empire", pp. 65–96; Stephanie Mawson, "Rebellion and Munity in the Mariana Islands, 1680–1690", *The Journal of Pacific History*, 50:2 (2015), pp. 128–148; Pedro Alejo Llorente de Pedro has shown that even within the North African *presidios* life diverged, as larger places offered more diverse opportunities for work and recreation which small secluded fortresses did not. Pedro Alejo Llorente de Pedro, "La pena de presidio en las plazas menores africanas hasta la Constitución Española de 1812", *Anuario de derecho penal y ciencias penales*, 61 (2008), pp. 265–330, 268.

fused with elements of banishment. In the sixteenth century, *presidio* service was reserved for offenders of high status, including noblemen, many of whom served as regular soldiers. The scheme was extended in the mid-seventeenth century to commoners and typically came to entail two different forms of labour as either soldiers, or construction workers.[55]

It is impossible to say if or how such multiple strands influenced developments in Russia in the late seventeenth century – and if they did, exactly which of the strands did the influencing. By then – in fact beginning in the late sixteenth century – Russia had already instituted a system of exile under which convicts were used as settlers, a form that gradually became tied to forced service. Peter I's reign (1696–1725) marks the final shift in that regard. Redirecting the steady Siberian flow, the tsar's military ambitions funnelled thousands of convicts towards large-scale building projects in newly established port cities to the west. Most, forced into hard labour in the service of empire-building, went to Azov on the edge of the Black Sea or St Petersburg on the Baltic. Such penal labour was conceptualized as *katorga*, derived from the Greek term for a galley. Russian officials would have known galley servitude well, for had fought the Ottomans, who employed it widely. However, most convicts performing *katorga* served as chained labourers alongside vast numbers of conscripts and prisoners of war in the large-scale construction of fortresses, harbours, and ships.[56] Again, the link to other forms of coerced state mobilization was a defining context, and again we see bifurcated systems of punishment emerging, as the Russian authorities began experimenting simultaneously with prison workhouses for women. When the famous prison reformer John Howard visited Russia late in the eighteenth century, he described a wide range of institutions, among which several appeared – at least to his well-travelled eyes – to be identical to Scandinavian and northern German slaveries.[57] In a way, the Russian example appears to be a highly specific reconstituting of a host of practices, some of which originated in Russia while others came from all over the Baltic, Central Europe, and even the Mediterranean. The Russian example therefore serves to illustrate the composite character of punishment throughout the period.[58]

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55. Pike, *Penal Servitude in Early Modern Spain*, pp. 41–42.
56. Andrew A. Gentes, *Exile to Siberia, 1590–1822: Corporeal Commodification and Administrative Systematization in Russia* (New York, 2008), pp. 90–94; Nancy Kollmann, *Crime and Punishment in Early Modern Russia* (Cambridge, 2012), pp. 241–257; Brian J. Boeck, "When Peter I Was Forced to Settle for Less: Coerced Labor and Resistance in a Failed Russian Colony (1695–1711)", *The Journal of Modern History*, 80:3 (2008), pp. 485–514.
57. John Howard, *The State of the Prisons in England and Wales with Preliminary Observations and an Account of some Foreign Prisons* (London, 1792), pp. 90–92.
58. The same can be said of the English experiment with hard labour on the banks of the Thames and incarceration in prison hulks that followed the stoppage of colonial transportation in 1775. For

PENAL PRACTICES AS ASSEMBLAGE

There is nothing to suggest that the three strands emerging simultaneously in Copenhagen, Ulm, and Almadén were part of a single tradition. There is no substantial indicator of mutual inspiration, and they developed in different directions, even if they retained superficial resemblances and occasionally appear entangled. Eventually, other strands formed within this tapestry – some drawing possible inspiration while others did not.

However, too many have assumed that all these institutions shared a single identity, perhaps because they have often been thought of as belonging to a kind of residual category. The term most often employed about them is "public works" – a concept that indiscriminately lumps together institutions that had little in common – apart from *not* being prison workhouses and therefore *not* having the status of proto-penitentiaries. An example of this type of conceptual flaw comes from Pieter Spierenburg's otherwise meticulous work. In a brief overview of the history of "public works punishment", Spierenburg ventured to suggest that Almadén amounted to a genesis, saying, "following on the Spanish experience, the public works penalty grew especially popular in Germany and Switzerland in the seventeenth and eighteenth centuries. In those countries it was often associated with imprisonment".[59] However, Spierenburg neglected to explain how that particular penal form made the leap, or why something that developed in 1566 in Spain could influence something that had found expression in Ulm long before then. We may therefore read the resulting short circuit in thought as symptomatic of how penal practices that were actually evolving tend to be reduced to a single form. Furthermore, the very concept of "public works" implies a connection with the Roman legal phenomenon of opus publicum, imputing a united identity to those practices.[60]

Such a lumping together masks how the great variety of emerging practices drawing from a multitude of contexts and traditions of coercion both within and outside the penal domain can help us account both for similarities and differences. While certain Central European practices might have been linked to the *ateliers public* of early sixteenth-century Paris or the types of experiment in coerced poor relief that eventually came to inform the well-studied prison workhouses and hospitals, the uses of convicts in Almadén were clearly tied to galley servitude. Meanwhile, Northern European practices harked back to forms of thraldom but must be understood, too, in relation to the forms

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more, see Tim Hitchcock and Robert Shoemaker, *London Lives: Poverty, Crime, and the Making of a Modern City, 1690–1800* (Cambridge, 2015), pp. 334–335.

59. Pieter Spierenburg, "Prison and Convict Labour in Early Modern Europe", in De Vito and Lichtenstein, *Global Convict Labour*, pp. 108–125, 113.

60. A similar interpretation can be found in Sellin, *Slavery and the Penal System*, p. 60. On opus publicum, see Fergus Millar, *Rome, the Greek World, and the East: Volume 2* (Chapel Hill, NC, 2004), pp. 120–150.

of military conscription that they supplemented or supplanted. When, later, Habsburg Austria and Russia both constructed their own variants of extramural convict labour, those variants were strongly associated with the systems and logic of deportation. A rich European geography of hard manual labour as punishment must therefore be read in the contexts of the different, if overlapping worlds of labour coercion that they became part of.[61]

Instead of attempting to trace ultimate origins and thereby risking conflation, I suggest that we should think of these and other types of punishment as assemblages, to be understood as combinations of heterogeneous elements. Extramural convict labour institutions took existing practices of labour coercion and combined them with elements of corporal punishment, displacement, and confinement. The resulting forms undermine the common, if often implicit, analytical framework in which transportation, incarceration, public works, galley servitude, and corporal punishment are seen as distinct and stable forms of punishment and coercion.

To emphasize the point, it is worth noting how the line between corporal punishment and incarceration was blurred in many of the cases cited.[62] The various types of chains worn all gnawed at the convicts' skin, and everywhere their labour was undergirded by the lash. Convicts in Scandinavia were notoriously underfed, while those who worked at Almadén suffered mercury poisoning.[63] Many convicts at both sites endured shaming prior to entry, and our old friend Væver was far from unique in arriving at such an institution disfigured and with his back bloodied. The process of branding was not only a public spectacle but a constituent of confinement, for the scars helped to identify fugitives. As all branded convicts in Denmark-Norway were subject to life sentences, the scars from this ritual of pain served to index their bondage.[64] That effectively means that we should not understand such punishment in contrast to corporal or spectacular retribution, but as deeply embedded in practices of punitive talion and violence. While it seems the *Schellenwerk* was less detrimental to the health of prisoners than the other two strands discussed here, the bells from which the institution took its name worked to shame the convicts in a similar way to the shaming element of corporal punishment, so that, in that sense, they had about them some of the logic of violence.

The analytical distinction between incarceration and displacement proves on examination similarly difficult to uphold. The editors of a recent volume

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61. Georg Rusche and Otto Kirchheimer, *Punishment and Social Structure* (New York, 1967), pp. 3–7.

62. For a critique of this analytical division in the case of contemporary prisons, see Guy Geltner, *Flogging Others: Corporal Punishment and Cultural Identity from Antiquity to the Present* (Amsterdam, 2014).

63. Heinsen, *Det første fængsel*, pp. 43–48; Pike, *Penal Servitude in Early Modern Spain*.

64. The concept of indexing has been explored in Geltner, *Flogging Others*, pp. 25–26.

on convict transportation chose to highlight the "fluidity that existed between penal transportation and incarceration, which were overlapping and co-existent at various levels".[65] All three systems explored in this essay coupled labour with particular combinations of displacement and confinement, so that they attest powerfully to an overlapping pattern. The men who went down the mines in Spain had been forced to walk there from wherever on the peninsula they had been sentenced, just as convicts in chain gangs walked to galley ports all over the Mediterranean. Men from all over Scandinavia who were sent to the slaveries faced being uprooted to be transplanted over great distances, whether on foot or by ship – Icelandic convicts were not an unusual sight in Danish institutions.[66] While the *Schellenwerke* were usually local institutions, the Austrian experiments they perhaps inspired equally implied removal from the place of sentencing, so that they, too, might best be understood as deportation systems.[67] There were, of course, great differences in the distances convicts all over Europe travelled, but distance by itself is in any case a difficult analytical marker, for it is after all entirely relative. At a time when movement was slow, cumbersome, and often illegal, even short distances could prove significant: every one of the fifty kilometres Væver travelled must have been significant for him.

    In sum, the rich tapestry of extramural labour raises questions about the nature of early modern imprisonment itself. Such establishments were not total institutions in the modern sense, because convicts did not work in the same spaces in which they were accommodated, which in many cases allowed for relations with the outside world, a trait they shared with most systems of transportation. However, that does not mean that they did not revolve definitively around confinement, or that this trait means they can be meaningfully contrasted with forms of punishment that were clearly imprisonment by any definition. Even studies of prison workhouses in the period have revealed institutions with walls much more permeable than might be expected.[68] Examining extramural institutions therefore helps us acquire a sense of how confinement in the period meant something very different from what it later came to signify. Instead, imprisonment is perhaps best understood as an element of hard labour, in much the same way that other groups of workers in the early modern economy were bound to places or persons. Confinement clearly had many elements, including physical constituents such as walls, chains, and guards, but also things related to status, such as context-specific notions of

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65. De Vito *et al.*, "Transportation, Deportation and Exile", p. 19.
66. From 1690, the make-up of the convict population in Copenhagen can be studied from the entry books of the prison. These are located in Rigsarkivet, Copenhagen as part of the archives of the Admiralty and later the army.
67. Steiner, "'An Austrian Cayenne'", pp. 126–143.
68. See, for example, Lotte van de Pol, *The Burgher and the Whore: Prostitution in Early Modern Amsterdam* (Oxford, 2011), pp. 97–102.

dishonour and rank.[69] We should not therefore study them in isolation as if part of a well-defined punitive domain. Commoners all over early modern Europe were already tied to lords, masters, officers, or even the soil on which they were born. However, even if we can scarcely conceive of the punished as being deprived of a liberty they did not possess in the first place, confinement still formed a crucial element of the punishment systems we have looked at. To understand early modern confinement we must abandon the search for embryonic forms of nineteenth-century isolation and develop much more historically sensitive notions of the practice of confinement.[70]

I would argue, then, that we should take seriously the wide range of diverging experiences produced by these penal practices. We must look not for stable forms stemming from a single origin, but rather for common drivers and how they resulted in the use of specific elements – often already at play within a wider field of labour coercion – to reconfigure the penal.

CONCLUSION

The history of punishment is evolving and rapidly expanding. In arguing for the existence of an overlooked strain and for its conceptualization as an important and evolving tradition, Gibson and Poerio opened a door to admit further decentred histories of punishment within Europe itself. Even there, the themes of displacement and labour are vital to any understanding of punitive landscapes both past and present. Nevertheless, the outline Gibson and Poerio offer suffers on some points from a few of the same problems as the older syntheses on which they rely, and that tended to envision extramural convict labour as emerging as a uniform phenomenon. Throughout this essay I have argued that further historicization depends on abandoning the residual character of this category and exploring uses of convict labour as part of broader worlds of labour coercion.

Multiple strands of extramural convict labour co-existed in a loose fabric covering all of Europe. Their commonalities stemmed not from shared lineage but from a link between punishment and labour. That link also helps us to understand the simple question of why states maintained for so long systems

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69. One could argue that these elements are related as well to the most important constituents of confinement today. Open prisons, for instance, rely not on the physical inability of escape but rather on a host of different elements that create the effect of confinement.
70. The field of global labour history might offer tools for careful historicization in this endeavour. See Marcel van der Linden, "Dissecting Coerced Labor", in *idem* and Magaly Rodríguez García (eds), *On Coerced Labor: Work and Compulsion after Chattel Slavery* (Leiden, 2016), pp. 291–322. From that point of view, confinement could be studied as a form of precariousness, as laid out in Christian G. De Vito, Juliane Schiel, and Matthias van Rossum, "From Bondage to Precariousness? New Perspectives on Labor and Social History", *Journal of Social History*, forthcoming 2020.

that often existed alongside forms of intramural labour. The question becomes even more relevant if we consider the disadvantages of those forms of labour, the most obvious being the difficulty of preventing escape from worksites. Indeed, breaches of security affected extramural uses of convicts as labourers throughout their existence.[71] Considering that intramural institutions were not only easier to secure but often imbued with rehabilitative or instructional powers, the proliferation of extramural labour seems puzzling enough to be almost paradoxical.

The explanation clearly lies in how the institutions served meaningful purposes for and within states across Europe and beyond that were built around warfare and labour extraction. But the states were not identical and their needs diverged. Some, like Spain and Denmark-Norway, were becoming global maritime empires, while others were small landlocked city-states. Different states were defined by very different political and religious cultures and were managed in quite different ways. The use of convicts in Almadén was spurred by private investors but was possible only because it was grafted onto existing flows of convicts already in the direct service of the state. In Ulm and other places in Central Europe, use of convicts was tied less clearly to military mobilization and more to local control of pauperism, which perhaps explains why systems there became so entangled with forms of intramural labour. Even so, convicts could still be mobilized for military infrastructure projects when the need arose.[72] In Copenhagen, it was the state that took the initiative directly. When Væver entered the Trunken building on Copenhagen docks, he was going into the king's prison, something that expressed itself in the fact that convicts like Væver were gathered there from all over a widely scattered state. Finally, even in cases where the military needs of states themselves were the clear drivers, as in Denmark-Norway, Spain, or Russia, war was waged in rather different ways across those territories, so that they saw very different uses and experiences. Thus, while punitive assemblages were motivated by similar scarcities, approaching them from the perspective of labour often helps us understand their evolving differences.

This essay has offered an initial unravelling of the traditions of extramural convict labour that were formed, spread, and then mutated within Europe's interlocking worlds of labour coercion. It is one small thread of this tapestry that Hans Rasmussen Væver experienced at the start of this essay. In fact, we do not know how Væver's forced stay in the Copenhagen dockyard ended. Certainly, as a man who had lost his honour, he was fit neither for a pardon, nor for the army – or even the navy. Moreover, by the time he went to Bremerholmen in the autumn of 1687, repeated escapes and mutinies had

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71. Even the galleys were marred by security breaches. For a spectacular case, see Aleksander Panjek, *Krvavi Poljub Svobode. Upor na galeji Loredani v Kopru in beg galjotov na Kras leta 1605* (Koper, 2016).
72. Schuck, "Arbeit als Policeystrafe", p. 618.

convinced the Danish West India and Guinea Company to abandon its use of convicts as forced labour in the colonies, so it is unlikely that Væver was moved again.[73] All we do know of his fate is that his stay was somewhat curtailed, for he was not mentioned in a convict register begun in 1690,[74] his absence suggesting either that he managed to escape, or, like thousands destined to toil across Europe's uneven penal geography, he died in chains.

73. Heinsen, *Mutiny in the Danish Atlantic World*, ch. 6.
74. Bøger over Bremerholms fanger 1684–1721, Rigsarkivet, Holmens chef (Søetaten).