Labour flexibility and labour precariousness as conceptual tools for the historical study of the interactions among labour relations

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Introduction

This essay seeks to highlight the potential of the concepts of labour flexibility and labour precariousness in developing the historical study of the interactions between (“free” and “unfree”) labour relations. At the same time, it highlights the impact of a global and long-term approach to labour flexibility and labour precariousness on the contemporary debate in this field. To this double aim, I define labour flexibility as the relative advantage attached by employers and policy-makers to certain labour relations, based on the opportunity to recruit, locate and manage workforces in the place, time and task most conducive to the former’s own economic and political goals. In other words, labour flexibility expresses the employers’ and policy-makers’ quest to synchronise the availability of what they perceive as the most appropriate workforce, with their productive and political needs. In turn, labour precariousness is defined here as the workers’ own perception of their (lack of) control over their labour power, in relation to other workers, the labour market, and the social reproduction of their workforce.

The relational nature of these definitions represents one of this essay’s contributions to the debate on labour flexibility and labour precariousness in both historical studies and contemporary debates. Whereas many contradictory definitions of these phenomena exist in scholarship, those provided here have arguably the advantage of connecting labour flexibility/precariousness to the issue of control over labour: they indicate how labour flexibility relates to external (employers’ and/or policy-makers’) control over the workforce, whereas labour precariousness relates to workers’ control over their own labour force. By foregrounding the question of control, and ultimately of power, these

1 The research leading to these results has received funding from the European Research Council under the European Union’s Seventh Framework Programme (FP/2007-2013) / ERC Grant Agreement 312542. The project “The Carceral Archipelago: Transnational circulations in global perspectives, 1415-1960” is based in the Department of History, University of Leicester. For their insightful feedback on earlier drafts of this essay, I would like to thank the following colleagues: Clare Anderson, Eloisa Betti, Andrea Caracausi, Lorenzo D’Angelo, Kristin O’Brassill-Kulfan, Katherine Roscoe, and Devi Sacchetto. The students who attended the course “Teoria critica della societá” at the University of Milan-Bicocca also provided useful comments.
definitions additionally allow for a focus on the “constraint agency”\(^2\) of historical and contemporary actors at the crossroads of materiality and perceptions, external categorisation and self-representation.

My argument especially builds on the findings of two distinct streams in recent scholarly literature, to which Marcel van der Linden has contributed greatly: the re-conceptualisation of the role of multiple labour relations in the process of labour commodification, which has been proposed within the context of Global Labour History; and the studies that have addressed contemporary labour precariousness from a historical and global perspective. Starting from these new approaches, the paper explores five directions. The first section sketches the outlines of a conceptualisation of labour flexibility and precariousness \(\textit{vis-à-vis}\) the process of labour commodification. The second section, largely referring to my own empirical research and selected examples from secondary literature on late-colonial and post-colonial Spanish America, poses space, time, and State- and private control of the workforce as key components of labour flexibility. Based on the same empirical findings, the third section addresses the limits of the employers’ control over the workforce. The fourth section raises the question of the workers’ perception of the precariousness of their labour, and its interrelation with workers’ agency. The concluding section points to distinct fields where the global, long-term, and relational approach to the study of labour flexibility and precariousness directly contributes to contemporary debates and scholarship in the field.

**Labour commodification and labour flexibility**

The potential of the concepts of labour flexibility and labour precariousness for long-term historical research on labour relations has hitherto gone unnoticed, arguably because of two distinct tendencies. On the one hand, the long-standing tradition in labour history and political discourse of equating the working class with industrial wage labourers and of focussing on their formal organisations has marginalised both non-industrial and/or less organised groups of workers, and all types of non-wage and coerced workers. On the other hand, the studies on coerced labour (e.g. slavery, convict labour, and

\(^2\) The concept of “constraint agency” echoes that of “constraint creativity” proposed in Fisher and O’Hara 2009.
indentured labour) have been traditionally fragmented into mutually isolated sub-fields. In this context, limited or few substantial research questions regarding the interactions among labour relations have emerged, additionally reflecting the split between European and non-European history.

However, three streams in recent scholarship provide the building blocks for an alternative approach. First, the focus on exchanges in global history, inspired by the “spatial turn”, has led to studies that address the connected histories of slavery, indentured work, and convict and wage labour.\(^3\) Although much of this research has not been accompanied by an explicit focus on labour relations as such, it does provide a critical mass of empirical cases that were not previously available. Second, Global labour history has expanded the notion of the “working class” beyond wage labourers, to include slaves, coolies, convicts, serfs, tributary labourers, domestic workers and other groups of “free” and “unfree” labourers.\(^4\) Within this field, in *Workers of the World* Marcel van der Linden has addressed the process of commodification of labour, proposed a dual analytical distinction between autonomous/heteronomous commodification and labour power offered by the carrier him/herself or by another person, and analysed the entanglements between labour relations *vis-à-vis* the process of labour commodification.\(^5\) This conceptualisation implicitly provides a solid basis for the study of labour flexibility, as I will show in the next sections. Third, building on the vast and multi-disciplinary literature on contemporary labour precariousness, again Marcel van der Linden (in one case together with Jan Breman) has pointed out in two recent articles that “standard employment under capitalist conditions is a historical anomaly” and that it “had a deep impact in a limited part of the world for a

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\(^3\) Just to mention some examples: Cooper, Holt and Scott (eds.) 2000; Hoerder 2002; Coates 2002; Carter 2006; Ward 2009; Anderson 2009.


\(^5\) van der Linden 2008.
relatively short period of time” – that is to say, parts of the “North-West” in the central decades of the twentieth-century. This perspective has broad implications. On the one hand, it “provincialises” North-Western “standard” labour relations and foregrounds the importance of a global approach to job precariousness. Within this framework, it stimulates further study of, and strengthens the findings of ongoing studies on, the following connected areas: the history of job precariousness in the Global South; the persistence of job precariousness in the Global North during Fordism, especially in relation to the work of women and (male and female) migrants, and the current convergence between Global North and Global South around the process of job casualisation. On the other hand, this global and historical perspective deconstructs the assumption, widespread among social scientists and political commentators alike, that job precariousness is an exclusively contemporary phenomenon linked with the alleged shift from industrial to post-industrial society. Consequently, it invites us to historicise labour precariousness, and to explore its longue durée.

At the crossroads of these changes in scholarship, a new field of research can be envisaged that focuses on labour flexibility and labour precariousness as conceptual tools to understand the interactions between various types of “free” and “unfree” labour relations. The relational definitions I gave at the beginning of this essay are key elements in this endeavour: they describe labour flexibility and labour precariousness at the crossroads of multiple labour relations, rather than conflating them with specific types of labour relations and contracts; they foreground the conflict between workers and employers/policy makers around the question of control over the workforce; they combine the structural and perceived aspects of flexibility and precariousness; and they place labour flexibility and precariousness within the process of both the production and reproduction of the workforce, i.e. within and beyond the labour process, for example by taking issues such as gender and ethnicity into full consideration. Because of these relational features, I contend that this approach to labour flexibility and labour

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6 van der Linden 2014, p. 19; Breman and van der Linden 2014, p. 920.
7 For example: Bodibe 2006; Dasten 2014.
8 See for example: Agárdi, Waaldijk and Salvaterra 2010; Raimondi and Ricciardi 2004; Marchetti 2014.
9 Schmidt 2005; Breman and van der Linden 2014.
10 On the question of the control over the workforce, see esp. Moulier Boutang 1998.
precariousness provides a privileged way into the study of the interactions among multiple labour relations. The two following sections will explore some key fields of labour history from this perspective.

**Unravelling labour flexibility: space, time and the nature of control**

One key question in the study of labour relations concerns the reason why certain labour relations are imbricated in the process of labour commodification within certain historical contexts. The concept of labour flexibility allows us to address this issue, insofar as it enhances the analytical study of multiple factors that determine the relative advantage of each labour relation in the eyes of the employers/policy makers. In this section I seek to show how three of these factors – spatial mobility, the length of contract/service and the state/private nature of control over labour – interact, and produce variable types and levels of labour flexibility.\(^\text{11}\) In doing so, I will mainly refer to findings from secondary literature and to my own empirical research on late-colonial and post-colonial Spanish America (ca. 1760-1890).

The table below provides the starting point for my argument.

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11 These are by no means all the factors that influence labour flexibility. Among others, skill and retribution could be considered, but will not be addressed in this essay.
The values in the table should be understood as indicative of ideal-typical situations, rather than contextualised historical cases. As such, they do not seek to provide precise “measures”, but rather to visualise the relative importance of spatial mobility, length of contract/service and state/private control for a range of labour categories, and to allow for thoughts on their distinct impacts on labour flexibility.

The table primarily highlights the impact of space and time on labour flexibility. As the definition above suggests, the key element here is the coincidence of the spatial and temporal scope of labour relations with the needs of the specific sector in which the workforce is employed. In other words, what is important for a high degree of labour flexibility is that an appropriate workforce is in the right place, at the right time and for an appropriate length of time, according to the economic and geopolitical needs of the employers and the policy makers. This goal could be attained in different ways according to the labour relations, the economic sector and the specific context.

Let us consider the case of the labour of transported convicts and chattel slavery. The former, under relatively short sentences and highly mobile, was especially attractive for military labour and the building of military and non-military infrastructures in urban public works and the newly colonised regions and strategic outposts across the empire, where polities could directly move them at a given time. Conversely, chattel slavery was a life-long and hereditary legal status and labour relation, and the mobility of slaves was managed by multiple state- and private agencies at different stages. Therefore, the slave owner who bought the enslaved worker after the Middle Passage, found the employment of slaves mostly convenient insofar as it allowed for the long-term immobilisation of the workforce. Besides status-related domestic work, chattel slavery was therefore preferred for highly productive and export-oriented agricultural labour in the plantations, as was the case for Cuba, starting with the last decades of the eighteenth century, and in the region

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12 The next section deals with contextualised aspects in more detail.
13 Although life sentences were imposed on individuals in some cases, being sentenced to two to ten years of public works and presidios (military outposts) were by far more common in the Spanish Empire.
14 See the case of penal transportation to Cuba after the Seven Years’ War: Pike 1983; De Vito, forthcoming, ‘Connected singularities’.
15 For the most complete description on the process of capture, transportation and sale of slaves in Spanish America: cf. Newson and Minchin (eds.) 2007.
between the Portuguese and the Spanish dominions in Latin America\(^\text{16}\). By contrast, it was virtually absent in areas of new colonisation motivated by geopolitical reasons, like Patagonia and the Falklands/Malvinas, where convicts played a relevant role, and in those areas where a constant flow of native tributary labour (like in Potosí) provided alternatives for mining activities.\(^\text{17}\)

This relative flexibility of various labour relations did matter within specific contexts when it came to choosing the most appropriate and convenient workforce. In some cases, policy-makers deliberately sought to increase it by manipulating specific factors regarding single labour relations. For example, regarding nineteenth-century transportation to Australia, Hamish Maxwell-Stewart observed that the length of sentences (seven or fourteen years) were not determined for penal motivations, but “in order to position convicts competitively within the trans-Atlantic market in unfree labour.” In other words, as Clare Anderson has commented, convicts “were typically transported for a longer period of time than free labour was indentured, but put out to employment at the same price”.\(^\text{18}\)

The relationship between chattel slavery and convict labour also highlights the distinct impact of state and private control over the workforce on spatial mobility and flexibility. As a general rule, the polity’s direct control over convict transportation and convict labour accentuated its spatial mobility, while private ownership of slaves usually combined chattel slavery with long-term immobilisation of the workforce in specific workplaces. However, a telling overhaul occurred when the nature of the control over the convicted and enslaved workforce changed. In fact, state-owned slaves of the king (esclavos del Rey) in the second half of the eighteenth century were subjected to extended spatial mobility and employed in the same kind of occupations with which state-controlled convicts were usually associated – military work and building work. On the contrary, convict leased out by the state to private owners were mainly associated with agricultural work on specific plantations, such as

\(^\text{16}\) On this region, see esp. Grinberg 2013.

\(^\text{17}\) Gil Montero 2011. However, slavery did play a significant role in other rural areas of colonial and post-colonial Latin America, such as the regions of the Pampa and Cuyo: see Garavaglia 2013.

\(^\text{18}\) Maxwell-Stewart 2010, p. 1224; Anderson 2014, p. 120.
in schemes proposed for Puerto Rico in the 1870s and, most famously, in the case in the US South following emancipation.\textsuperscript{19}

It can be argued that coerced spatial mobilisation of labour is the state’s single most direct contribution to labour flexibility. Innumerable examples could be mentioned here regarding convict labour across the globe and throughout the centuries, up to the mass deportation to Nazi Germany, within the Soviet Union during (and after) WWII, and beyond.\textsuperscript{20} Military labour – often partly overlapping with convict labour until the gradual implementation of reforms in the late-nineteenth and early twentieth century – has been traditionally the other major field of polity-bounded mass mobilisation of labour.\textsuperscript{21} From the perspective of this chapter, two levels of coercion can be highlighted within the military field. On the one hand, individuals who voluntarily joined the army and the navy became subjected to military discipline and were obliged to accept any destination imposed on them by their superiors. On the other hand, vagrants, slaves, convicts and other groups of individuals impressed in the military experienced a dual coercion – as involuntary soldiers subjected to military discipline. Their spatial mobility was therefore even more accentuated than that of those recruited voluntarily, and they were more likely to be assigned to isolated and dangerous sites; moreover, besides military-related occupations, they were also often given heavier tasks, such as building military and non-military infrastructures – often together with (non-military) convicts and other tributary labourers. Unsurprisingly, they were ubiquitous in the borderlands of the Spanish empire, from the Pampa and Patagonia to North Africa and the southern islands of the Philippines.

The role of the state in enhancing labour flexibility through spatial mobility, however, was not confined to coerced labour. Polities also had a crucial, albeit less direct, impact on the mobility and flexibility of “free” labour. The Spanish colonial state managed the recruitment and

\textsuperscript{19} For the examples in the text, see esp.: Powell Jennings 2005; Picó 1994; Lichtenstein 1995. On the schemes for the employment of convicts in agriculture in Puerto Rico see also: Archivo Histórico Nacional (AHN, Madrid), Ultramar, 5104, Exp. 10, Memoria de la visita de inspección al presidio provincial de Puerto Rico dispuesta por Real orden de 11 de Diciembre de 1872 y pasada por el Coronel Teniente Coronel de Infantería Don Geronimo de la Torre y Velasco, Puerto Rico, 14 February 1873. See also: AHN, Ultramar, 5104, Exp. 7, Geronimo San Juan y Santa Cruz, Puerto Rico, 19 June 1873.

\textsuperscript{20} For a broad range of examples across two millennia: cf. De Vito and Lichtenstein 2015.

\textsuperscript{21} For the general argument of the military as work, and as a field of multiple labour relations: Zürcher 2013. Insights on the composition of the Spanish colonial army can especially be found in Marchena Fernández 1992, esp. chapter 4; Gómez Pérez 1992.
directed the destination of state-sponsored migrants from north-western Spain to Latin America in order to colonise and settle in Patagonia, the “frontier of Buenos Aires”, the Chaco and Tucumán in the late eighteenth century.\(^{22}\) Furthermore, just like the British and Dutch empires, it provided the legal and material infrastructure for the transportation of thousands of indentured workers from Asia to the Caribbean after the (official) abolition of the slave trade in 1818.\(^ {23}\) In a different fashion, post-colonial Latin American states attracted and channelled “proletarian mass migration” from Europe in the late nineteenth and early twentieth century, in order to pursue their own goals of internal colonisation and management of the free and coerced workforce.\(^ {24}\)

In most cases, the role of the state in directing the tasks and destinations of workers – and therefore in enhancing labour flexibility – was such that the “freedom” of the wage labourers involved in the process appears very limited. Indeed, rather than facing each other in a clear-cut opposition, “free” and “unfree” labour appear as part of a continuum, and the semi-coerced experience of those allegedly “free” wage labourers comes close to the fragile freedom of post-emancipation “prize negroes” (Africans taken off slave ships intercepted by British patrols after the abolition of slave trade) and “africanos livres/libres” (in Portuguese and Spanish respectively). Moreover, the existence of such a *continuum* was accentuated by distinctions in levels and types of labour flexibility *within* each labour relation. Just as contemporary literature on labour flexibility/precariousness has addressed the diversity of labour contracts within wage labour, differences within each (“free” and “unfree”) labour relation can be observed in historical contexts. In the case of eighteenth- and nineteenth-century Spanish America, for example, major disparities existed within convict labour, depending on whether prisoners were sentenced to penal transportation, imprisonment with public works, or imprisonment in the penitentiary. Spatial mobility was by definition higher in penal transportation and lower in the case of work within the walls of the penitentiaries that were gradually opened in urban centres during the nineteenth century (“intramural” work).\(^ {25}\) The

\(^{22}\) Apolant 1999; Garla 1984; Senatore 2007.


\(^{24}\) For Brazil see esp.: Viotti da Costa 1966; Nóbrega and Toste Daflon 2009; Chalhoub 2012; Lago 2014.

\(^{25}\) Salvatore and Aguirre 1996.
spatial scope of convict labour employed in public works tended to settle in between the two, both when “extramural” works were performed in the same cities where the prison was located, and when temporary penal institutions were literally moved along the building sites. These diverse forms of convict labour, therefore, took distinct places in the ideal continuum of labour relations. The same happened with other labour relations. Within slavery, major distinctions existed between privately- and state-owned slaves – as I have observed earlier – and between plantation and domestic slavery; free and coerced recruitment played a significant role in diversifying flexibility in the military field, with coerced soldiers additionally being formed by slaves, convicts, and tributary labourers. Various forms of wage labour also featured distinct characteristics in relation to labour flexibility, with free-, indentured- and state-sponsored migrations implying distinct forms of private and state control over the workforce. Moreover, as in the present world, multiple contract regimes existed for wage labourers, which dictated diverse lengths of employment, working conditions, and the amount of wages and further incentives.

The differentiated flexibility of multiple (sub-)types of labour relations was a key aspect in producing distinct sets of labour relations within specific sites and regions. To give one example, the standard scheme for new colonisation in the late eighteenth-century Spanish empire – implemented in Upper California, Osorno and Patagonia, among other regions – featured an explicit distinction between four groups of workers: the settlers, made up of state-sponsored migrants from nearby regions or peninsular Spain, who were especially recruited for their skills in agricultural work and stayed as independent workers; the artisans and skilled (non-agricultural) workers, whose wages and incentives were aimed at attracting their free migration and stabilise them in the new sites; the fluctuating population of soldiers, mariners and convicts, who were brought to the new settlements when military imperatives and the need to build and maintain the infrastructures required their workforce, and were subsequently moved on to other destinations; and the native populations, whose tribute included the

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26 This was the case with the “mobile prisons” (presidios ambulantes) of early nineteenth-century rural Chile, the provisional prisons built along the Carretera Central in Puerto Rico, and the “good roads” of the US “New South” in the second half of the same century. Cf. In particular León León 1998; Picó 1994; Lichtenstein 1995.
building and repair of the roads that connected the new colonies among themselves and with the main trade routes. The presence of each group of workers in those locations, therefore, was based on the relative advantages (flexibility) of the labour relations in which they were imbricated.27

The same dynamics characterised shifts in labour relations. Indeed, these rarely took place as linear substitutions of one labour relation by another. As Robert J. Steinfeld has observed, they can rather be described as “a story of one set of historical practices with one mix of kinds of freedom and unfreedom for labouring people replacing another set of historical practices with a different mix of kinds of freedom and unfreedom”.28 Accordingly, in the borderlands of Patagonia, or along the frontier between Argentina and Brazil, for example, the colonisation scheme described above continued well into the nineteenth century.29 Convicts, voluntary and (most often) impressed soldiers remained instrumental in building of the infrastructures, and in the military campaigns against the native populations, which in turn were forcibly “assimilated” through tributary labour. As the frontier advanced, migrants from Germany, Italy, Wales and other European territories settled down, being attracted to those specific sites by their own social networks and the states’ emigration and immigration schemes. Rather than a linear shift from coerced to “free” wage labour, then, distinct types of labour flexibility continued to produce mix sets of “free” and “unfree” labour, albeit of a different nature to the past. A situation which especially Brazilian historians have foregrounded also for urban and non-agricultural contexts, such as the building of railways, and which underpinned a long-term entanglement between the new European waged workforce, coerced soldiers in unreformed military, and (illegally) enslaved labour.

In this section I have so far addressed the way the perspective of labour flexibility allows for the analysis of the following aspects: the way certain labour relations become imbricated in the processes of labour commodification within specific historical contexts; the distinct types of

labour flexibility *within* each labour relation; the multiple combinations of labour relations; and the shifts in labour relations. One last aspect can be added to this overview of the entanglements between labour commodification and labour flexibility. In *Workers of the World*, Marcel van der Linden has highlighted that the multiple forms by which labour commodification takes place can co-exist diachronically and synchronically in the lives of individual workers.\(^{30}\) Indeed, in colonial and post-colonial Spanish America, *mitayos* providing tributary labour in the Potosi mines could be self-employed on the same sites in different days and times; soldiers could also be agricultural settlers; and the same individual could be slave and wage labourer at the same time.\(^{31}\) Diachronic combinations also took place, pointing to the importance of the duration of the labour relation – and time, more generally – in the study of labour commodification and flexibility. In some cases, one individual repeatedly entered the same labour relation. For example, as the *filiaciones* of soldiers show\(^{32}\), the relatively short duration (usually six to eight years) of military service in the Spanish empire did not prevent coerced impressment and voluntary recruitment to take place again and again during the life-span of each individual: accompanied by spatial mobility, multiple recruitment thus made up the basis for “imperial careering” not only for officers, but also for troops,\(^{33}\) and increased the overall flexibility of military labour. Single individuals also entered into multiple types of labour relations.\(^{34}\) Not only were convicts made into soldiers by being impressed in the military, but desertion and non-military-related crimes turned soldiers into convicts. And crimes committed on the plantations in Cuba transformed Chinese coolies and African slaves into impressed soldiers in Santo Domingo, forced labourers in the military fortification in Ceuta, and the convicted workforce that built the *Carretera Central* of Puerto Rico in the 1850s–70s.\(^{35}\)

\(^{30}\) Van der Linden 2008, p. 20.
\(^{31}\) Barragán 2015.
\(^{32}\) See for example the personal records (*filiaciones*) of repeated deserters held in Archivo General de Indias (AGI, Sevilla), Arribadas, 548 and 549.
\(^{33}\) Lambert and Lester 2010.
\(^{34}\) Van der Linden 2008, esp. pp. 20–32.
\(^{35}\) The main sources on Chinese coolies and African slaves deported to Puerto Rico are held in AHN, Ultramar, 2069, Exp. 48; AHN, Ultramar, 2078, Exp. 2, 3 and 4; AHN, Ultramar, 2080, Exp. 4, 13, 14, 21, 23 and 24; AHN, Ultramar, 2081, Exp. 4. For “slave convicts” in Brazil: Beattie 2009.
The limits of labour flexibility

A high level of labour flexibility never amounts to employers having total control over the workforce. Even under the most extreme conditions of coercion, the latter is significantly limited by multiple factors involved in the recruitment, mobilisation and management of labour. This section explores some of the limits to absolute labour flexibility through examples regarding convict labour in eighteenth-century Spanish America. The following section deals with arguably the most important limitation to labour flexibility – workers’ individual and collective agency – and poses the question of workers’ perceptions of labour precariousness.

By definition, the key element in labour flexibility is the possibility for employers and policy-makers to synchronise the presence of the workforce in a given site with their productive and political needs. As space and time are therefore two fundamental variables in labour flexibility, they are equally fields where most limitations to labour flexibility becomes visible in historical contexts. Taking convict labour in eighteenth-century Spanish America as example, some entangled areas are particularly interesting for this analysis. To begin with, the exploitation of convict labour required a synchronisation of punishment and labour that was never attained in the ideal-typical form sketched in the previous section. The legal system followed distinct procedures, depended on peculiar cultures, and had its own timeline. It also featured a distinct spatiality. The difference in the catching areas of legal and administrative institutions limited the state capacity to move the convict geographically: therefore, in the mid-18th-century, while a prisoner could be transported from Charcas (Bolivia) to the Malvinas/Falklands, as they fell under the same legal jurisdiction, he or she could not be transported from Charcas to Caracas, which belonged to distinct Vice-royalties (Peru and New Granada) and different courts (Audiencias). Furthermore, the social, cultural, and political construction of “crime” and “the criminal”, reflected in legal cultures and practices, additionally produced differentiations amongst the convicted population, and dictated diverse regimes of punishment, the duration of sentences and the destination of prisoners. Moreover, as I observed in the previous section, not all

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36 Interesting insights are in Cutter 1995; Benton and Ross 2013; Hidalgo Nuchera 2013.
regimes of punishment implied the same level of geographical mobility, and certain regimes excluded the exploitation of convict labour altogether, most obviously in the cases of capital punishment and the banishment of elite convicts. No doubt, in an institutional setting where legal and political actors often overlapped, amnesties, commutations of punishment and special decrees were sometimes explicitly aimed at facilitating and expanding the use of convict labour where and when it was deemed economically appropriate. In general, however, the dialectic (and tension) between the fields of law and labour reduced the relative flexibility of convict labour.

The material organisation of penal transportation also proved a very complex task, and impacted negatively on labour flexibility.\textsuperscript{37} In the Age of Sail, the navigation from peninsular Spain to Spanish America was limited to specific months – on 6 September 1766, for example, a Royal Decree established that, in order to safely sail through Cape Horn, all ships directed to Callao be only allowed to leave Cadiz between 1 September and 1 November, and those leaving for Cadiz were to exclusively leave Callao from 1 October to 1 December.\textsuperscript{38} Moreover, before the 1760s, convicts were exclusively transported on board of a relatively small number of warships and galleons that mainly proceeded from Cadiz to the Caribbean Sea and the Gulf of Mexico, and back. After that decade, trade liberalisation gradually multiplied the routes and the frequency of convict transportation, but also contributed to making the state’s overview of the penal transportation system more complex. This reduced the state’s capacity to allocate the prisoners’ workforce according to economic and geopolitical needs. On top of that, walking the land-routes that integrated sea-voyages was a highly problematic endeavour, with prisoners enchained in convoys (\textit{cuerdas de presidiarios}) and accompanied by soldiers, subjected to frequent stopovers, diseases and death.\textsuperscript{39}

The set of limitations to the polities’ control over the convicts’ spatial mobility increased the employers’ problem regarding labour turnover. Indeed, the difficulties in synchronising the recruitment processes of multiple types of labour contrasted with the need for a

\textsuperscript{37} For a comparative argument based on penal transportation in various empires: Anderson, Crockett, De Vito, Miyamoto, Moss, Roscoe and Sakata 2015.
\textsuperscript{38} Archivo General de Indias (AGI, Seville), Lima, 1524, Real Orden 6 Septembre 1766.
\textsuperscript{39} See for example: García de los Arcos 1996.
stable workforce during the whole period of a required activity. This was particularly true in the case of skilled labour. Unsurprisingly then, archival sources on the settlements in the southern borderlands, for example, witness the broad sets of coercion and gratification that were used by authorities and employers to stabilise artisans and other skilled workers, including skilled convicted labourers.40

Budget limitations represented yet another major factor that created a gap between the ideal-typical flexibility of labour relations and the employers’ actual capacity to mobilise the workforce.41 Financial constraint downsized metropolitan and viceregal plans for colonisation and economic exploitation. Moreover, while on paper convict labour was cheaper than almost any other workforce, in reality transporting and maintaining prisoners during the voyage was expensive, as was their maintenance and surveillance at destination, particularly when convicts were perceived as dangerous and willing to escape. Prisoners’ labour could still be convenient in borderlands whose colonisation was geared towards reaffirming sovereignty rather than economic exploitation; however, when productive sectors were involved, employers usually complained about the low productivity of this enchained and unmotivated workforce. When economic incentives were proposed for convicts by local officials, as in Puerto Rico in the second half of the nineteenth century, political authorities in Madrid tended to reduce their scope and quantity in order to minimise their impact on the overall cost of the workforce.42

Workers’ agency and labour precariousness
While other actors addressed the asynchrony of punishment and labour, organised penal transportation, and sought to cope with budget limitations in order to maintain the desired level of flexibility of convict labour, prisoners themselves did not remain passive: their everyday forms of resistance forced officers and employers to adapt productive and reproductive processes; their escapes suddenly disrupted the mechanism of exploitation of their labour; their revolts were repressed, but often involved convicts being transferred to new destinations, and

42 Archivo Historico Nacional (AHN, Madrid), Ultramar, 370, Exp. 14, 15 and 16.
sometimes enforced broader re-organisations of the workforce; and when prisoners petitioned the king to be transferred to a different prison or site of transportation, they became part of the decision-process concerning punishment and destination, which involved multiple state- and non-state actors across various sites. The convicts’ agency was clearly limited by the circumstances of punishment and coercion, yet it was significant. It also rarely took shape in a void. It was related to the experiences and agency of other free and unfree workers: to the revolts, munitions, petitions, strikes and less formalised expression of opposition carried out by slaves, soldiers, mariners, coolies and wage labourers.

From the perspective of this chapter, the key question about workers’ agency revolves around how far and under which circumstances it was based on labour precariousness, that is, according to my definition, the workers’ own perception of their (lack of) control over their labour power in relation to other workers, the labour market, and the social reproduction of their workforce. In particular, we may want to address two distinct, yet connected issues: first, how far did the agency of workers imbricated in a single labour relation stem from (implicit or explicit) comparison with the capacity of workers to control aspects of their labour? Second, how far did the relational character of labour precariousness promote solidarity (or conflict) among different groups of workers across labour relations?

Both questions foreground the worker’s subjective and relational perceptions and this focus, in turn, opens up an important methodological problem, for the structure of the archives especially impedes unmediated access to subaltern’ voices and therefore limits our understanding of the labourers’ own perceptions of work and precariousness.\footnote{The complexity of this issue has been especially addressed by microhistorians, scholars involved in the Alltagsgeschichte (through the concept of Eigensinn) and early Subaltern Studies writings: Lüdtke 1995; Guha 1997; Gribaudi 1998; Ramella 2001. In the field of colonial and post-colonial studies see esp. Stoler 2009; Anderson 2012. See also: Hofmeester and Moll-Murata 2011, p. 7. Among other key questions, the editors asked themselves how “wage labour as a kind of commodified labour” was “perceived in comparison with other labour relations”. The issue included an important theoretical essay by Marcel van der Linden, featuring definitions of “work” and “attitude” and notes on some types of sources that might be conducive to investigate the topic. Among the empirical essays, Raquel Gil Montero’s contribution focused on the coexistence of mita and “free labour” in the silver mines of Potosí during the sixteenth and seventeenth centuries; her arguments on the fluidity of the nature and perception of “unfreedom” and “freedom” resonated with Rossana Barragán’s research on the same site in the late-colonial period: Gil Montero 2011; Barragán 2015.}
how the workers’s perception of precariousness emerged from explicit or implicit comparisons, and solidarity/conflict, with the experiences of other workers. Exceptions exist, however, and some strategies have emerged regarding the sources that might be used for this endeavour. Labour historians of late- and post-colonial Latin America and the Caribbean have prioritised petitions and judicial sources in order to unearth workers’ comparative perceptions. Their works have highlighted that these sources, although mediated by institutional frames, can provide glimpses into the workers’ sense of a “just” measure of coercion and control over their labour, and into their efforts to better their working conditions. It is also in such sources that scholars can find traces of direct comparisons made by workers, such as when convicts complained about being “treated like slaves” and free migrants of being treated “like convicts”.

Lisa Yun’s The Coolie Speaks provides an outstanding example of the potential of the study of petitions. This research of Chinese indentured labourers and African slaves in Cuba in the second half of the nineteenth century is entirely based on nearly three thousand between oral depositions and written petitions by Chinese coolies in response to the inquiry of a Commission sent by China in 1874. Among others, the Commission posed the following set of questions:

The contract coolie is a man who has pledged himself to work according to contract for a term of years: he is not a slave. Is he treated as a man who consented to be bound by a contract, or as a slave? Are there slaves in Cuba – or were there, and what is or was their treatment?

In response, indentured workers provided highly subjective “visions of the contract and freedom”, ranging from Li Zicheng’s definition of the coolies as “law-abiding people [who] worked as contract labor in order to live”, to testimonies of close association with enslavement, as in the case of Zhang Dingjia’s description of being “treated worse than dogs and oxen”, and for the multiple references to denial of the “freedom paper” after completion of the original eight-year service. The Spanish colonial sources held at the Archivo Historico Nacional in Madrid

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44 See for example: Espada Lima 2013. See also the website of the Grupo de Estudios Historia y Justicia: http://historiayjusticia.org/
45 Yun 2008 (citation on p. 105). On Chinese coolies in Cuba see also López 2013.
46 See footnote 35 for archival sources.
additionally inform us that these subjective perceptions provoked differentiated reactions from the Chinese coolies, and that when a sense of injustice prevailed, widespread suicide and collectively organised murders of the plantation overseers occurred. The latter, interestingly, were aimed against white, Asian or black overseers (mayorales, contramayorales and mayordomos) who were held responsible for particular acts of coercion and violence, and were performed by Chinese indentured workers – either alone or together with black slaves.47

As in this case, studying workers’ precariousness raises questions about how far the workers’ comparison of their conditions with those of other workers provided the ground for solidarity among workers across multiple labour relations; whether it enhanced collective agency and (formally or informally) organised social conflict; and, ultimately, how far shared representations and mobilizations ignited the process of creation of a “working class”.48 The issue resonates with the question addressed by Marcel van der Linden in Workers of the World, when the author asks himself about the “dividing line” between the workers and those who have more power, and refers to Cornelius Castoriadis’s concept of “instituted heteronomy”.49 In this perspective, the oppression and the lack of power forced upon workers from above produces “an antagonistic division of society” and may lead to a shared sense of class identity among “subaltern workers”. Similarly, under certain conditions the sense of the workers’ lack of control over their labour power produced common perceptions and shared practices of conflict among workers across distinct labour relations. To return to the case presented above, besides murdering the overseers, groups of slaves and Chinese coolies set fire to the plantation, escaped and joined the multi-racial insurgent army in eastern Cuba on the eve of the wars of liberation that began in 1868.50 Their vision of those conflicts prioritised the goal of freedom from a broadly defined “enslavement”, as had been the case for other coerced labourers on the eve of Latin American independence some decades earlier, no matter which side they chose. In a similar

47 Yun 2008, pp. 105–33. Quotation on pp. 129 (Li Zicheng) and 120 (Zhang Dingjia). Selected petitions are reproduced in translation in the Addendum, pp. 243–59.
48 The opposite question, that is, whether labour precariousness prompted desolidarisation and conflict among different types of workers, is of course equally relevant for historical studies and contemporary research.
49 van der Linden 2008, p. 33.
50 Yun 2008, p. 33; Scott 2000; Ferrer 1999. The participation of slaves in Royalist armies could be equally inspired by the hope of emancipation: Echeverri 2011.
fashion, convicts, soldiers and sailors planned a joint upheaval even in the far-away settlements of Puerto de la Soledad, in late eighteenth-century Malvinas⁵¹, and implemented their plans elsewhere.⁵²

Another way to address the issue of the workers’ sense of precariousness as a trigger for cross-contracts/service workers’ solidarity is to look at the solidarity campaigns with unfree workers that emerged within the organised working class movement from the late nineteenth century onwards. In the late nineteenth- and early twentieth centuries, Latin American and Caribbean anarchists, many of whom were European migrants, were especially keen on including emancipated slaves and indigenous groups in their ranks, and repeatedly condemned the racially-based coercion of fellow workers.⁵³ From the perspective of this chapter, these campaigns reveal distinct political cultures across organisations and a dual, often contradictory, significance. On the one hand, they reflect concrete grass-roots solidarity among workers across distinct labour relations, and the entanglements that existed also, for example, between anti-slavery activists and the protagonists of the First International and related regional organisations, as Marcelo Badaró Mattos has shown in a recent article.⁵⁴ On the other hand, when campaigners constructed “free” and “unfree” labour in mutual opposition, they more or less explicitly coalesced free wage labour with “modernity”, and unfree labour with “backwardness”. In doing so, they shaped the identity of the working class movement as belonging to “free” wage labourers, rather than to all workers whose labour was exploited and commodified – a tendency that still represents a major limitation of the union movement in our time, as especially the difficult inclusion, or

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⁵¹ Archivo General de Indias (AGI, Seville), Buenos Aires 553.
⁵² Peter Linebaugh’s and Marcus Rediker’s The Many-Headed Hydra stands out as the volume that, more than any other, has addressed this issue, albeit not explicitly from the perspective of labour precariousness: Linebaugh and Rediker 2000. The point made by the authors also applies to other contexts beyond the Revolutionary North Atlantic: see esp. Frykman, Anderson, Heerma van Voss and Rediker, 2013; Fusaro, Allaire, Blakemore and Tijl 2015.
outright exclusion, of migrant, domestic and non-wage workers shows. Unsurprisingly, the tradition of labour history that accompanied those labour movements was equally centred on wage labourers and their organisations, and excluded or treated as distinct the histories of other workers – a long-term removal and distortion which especially global labour historians in particular have consciously sought to reverse in the last decades.

**Labour flexibility and labour precariousness: past and present**

This chapter is an invitation to approach contemporary labour flexibility/precariousness as a global, long-term, and relational phenomenon. As such, it suggests a three-fold alternative conceptualisation vis-à-vis mainstream views of labour flexibility/precariousness in contemporary literature. The global perspective suggests the need to radically overcome Eurocentrist approaches to labour precariousness, such as those that are based on the conflation of the process of (relative) de-industrialisation in the North-West with the rise of a supposedly “post-industrial” or “post-materialist” society globally. It also calls for the integration of scholarship on the Global North and the Global South, and for the connected study of labour casualisation. Furthermore, the long-term perspective opposes the standard idea of labour flexibility/precariousness as a recent phenomenon, allegedly emerging in the 1970s as a consequence of the birth of “post-industrial” society and “neoliberal globalisation”. Conversely, this view re-joins the approach of those scholars who have advocated a full-fledged historicisation of job precariousness; more, it suggests that the chronological scope of historical and global research should be expanded back to the centuries before the 1970s, and before the industrial revolution, which have been so far the almost unpassable watershed in this field of study. Finally, the relational perspective on

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56 For a similar approach see esp.: Thornley, Jeffreys and Appay 2010; Lee 2014, pp. 688–710.
57 A useful survey of the literature, which additionally addresses the need for historisation of labour precariousness, was presented by Betti 2013. See also ‘Gender and Precarious Labor in a historical perspective. Italian women and precarious work between Fordism and Post-Fordism’, Special Issue ‘Precarious Labor in Global Perspective’; edited by C. Tilly, J. Stillerman, S. Mosoetsa, *International Labour and Working-Class History*, forthcoming 2016. However, the author limits the chronological expansion back to the Industrial Revolution, accepts the category of “post-Fordism”, and exclusively focuses on wage labour – three approaches that appear problematic from the perspective proposed in the present essay.
labour flexibility/precariousness questions Guy Standing’s basic assumptions in The Precariat\(^{58}\), which views “the precariat” as a separate social and political subjectivity, indeed as a “class-in-the-making” with “distinctive relations of production”. By contrast, this chapter has shown that labour flexibility/precariousness reveals the entanglements between multiple labour relations within specific historical contexts and in connection with economic and societal goals. Moreover, I have contended that labour flexibility/precarisation has historically emerged from within the continuum of “free” and “unfree” labour relations. From this perspective, whereas the literature on contemporary job flexibility/precariousness focuses exclusively on wage labour and self-employment, I suggest the need to extend the analysis to include all forms of “modern slavery” that appear perfectly at ease with contemporary capitalism, and are possibly expanding as part of the global “race to the bottom”\(^{59}\). This point is reinforced by the forthcoming volume edited by Marcel van der Linden and Magaly Rodríguez García, where cases of contemporary coerced labour are presented, spanning the Global South and North\(^{60}\).

The chapter additionally highlights the contradictory role of the state as key player in both labour flexibilisation/precarisation and market regulation. This suggests the need to go beyond the conflation of contemporary labour stability with the welfare state, and labour precariousness with the alleged “dismissal” of the state on the eve of globalisation. To the contrary, this essay is a reminder that polities have managed the spatial mobilisation of millions of coerced workers in the past, and continue to use their direct control over part of the workforce in the present, for example in relation to military conflicts. Furthermore, the historical examples about the direct and indirect role of the state in the management and allocation of “free” migrant labour strongly resonate with the function of contemporary states in regulating migration through national policies and bilateral/transnational agreements. Indeed, as some authors have noticed, through the legal construction and policing...

\(^{58}\) Standing 2011; Standing 2014, pp. 963–80 (citations on p. 969).

\(^{59}\) See esp. Bales 1999; Guérin 2013, pp. 119-34. For a detailed discussion of modern slavery within the framework of the debate on “free” and “unfree” labour, see Zanin 2012.

\(^{60}\) Van der Linden and García Rodríguez forthcoming.
of “illegal” migrants, polities today are responsible for the creation of a vast pool of unprotected workers.\textsuperscript{61}

This chapter’s final contribution to contemporary debates on labour flexibility/precariousness stems from the parallel that exists between the historiographical debate about the reconceptualisation of the “working class”, on the one hand, and the political quest for a (new) subaltern subject in the present world on the other. Indeed, as soon as global labour historians proposed to re-think the “working class” beyond wage labour, resistance followed, for example, from Bryan D. Palmer, on the ground that deconstructing the centrality of wage labour might imply a risk of theoretical and political fragmentation\textsuperscript{62}. Moreover, among global labour historians a discussion has taken place on the outcomes of that reconceptualization, with categories such as those of “subaltern workers”, “labouring poor” and “subaltern” being proposed, respectively, by Marcel Van der Linden, Sabyasachi Bhattacharya and Willem van Schendel.\textsuperscript{63} More recently, the question of “theorising the Global Labour Relations of the Twenty-First Century” on basis of a historical and non-Eurocentric approach has been explicitly addressed by the contributors to the volume \textit{Über Marx hinaus}, edited by Marcel van der Linden and Karl Heinz Roth.\textsuperscript{64} This set of conceptualisations stand at the crossroads of historiographical and political convictions, the latter spanning various types of Marxisms, and beyond Marxism. Within this framework, the relational definitions of labour flexibility/precariousness proposed in this essay represent a two-fold intervention. On the one hand, more than fifty years after E.P. Thompson’s \textit{The Making of the English Working Class},\textsuperscript{65} the relational definitions underline how class formation is a social, political, economic and cultural process, rather than a deterministic reaction of allegedly “structural” factors on the “consciousness” of a pre-existing class. On the other hand, they suggest that the formation of a new subaltern subjectivity today demands the transnational solidarity of subaltern workers across all labour relations and contractual statuses (including unemployment), rather than fetishising the nation state, essentialising specific groups (whether “the

\textsuperscript{61} See for example: Serafini 1974; Raimondi and Ricciardi 2004; Ngai 2005, Fudge 2012pp. 95–132.

\textsuperscript{62} Palmer 2010.

\textsuperscript{63} Van Schendel 2007, p. 260; Bhattacharya and Sabyasachi 2007, pp. 7-19; Van der Linden 2008.

\textsuperscript{64} Van der Linden and Marcel and Karl Heinz Roth (eds.) 2011.

\textsuperscript{65} Thompson 1963.
precariat” or the “industrial working class”) and invoking “multitudes” abstracted from labour and social processes.\textsuperscript{66}

\textsuperscript{66} Hardt and Negri 2001; Standing 2011.
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