AFTERWORD

THE PRISON'S ANTIQUITY

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At the heart of this fascinating book lies a rebuttal to the now-famous Foucauldian origin story of incarceration, the narrative that argued for the "birth of the prison" in late eighteenth-century Europe. Michel Foucault's story in *Discipline and Punish* centered Enlightenment thought as a crucial originating force in carceral history and contended that prisons were peripheral to the punishment economy of Europe before the rise of the penitentiary at the eighteenth century's end. Larsen and Letteney dismantle that narrative on nearly every page: no fundamental aspect of imprisonment, their research shows, was birthed in the late eighteenth century. After all, how could something be "born" in the late eighteenth century when it had fully matured already more than one thousand years before? Theirs is certainly not the first book to complicate Foucault's timeline, but perhaps no other work tackles the subject in antiquity with such rigorous attention to detail, and such patient interrogation of taciturn sources ranging from legal documents/papyri, to frescos, to excavations.[1]

This research has daunting ramifications for those interested in solving the problems inherent in modern imprisonment, precisely because it underscores the intractability of imprisonment in the world. Speaking of the prospect of prison reform, Foucault once observed that "it is so difficult to free oneself . . . [from] the impression of the prison's antiquity." He continued by noting that because the prison "appears to be so deeply rooted in our culture," it is viewed with "a historical depth it does not possess." Because, he said, "the prison appears ineradicable, held in a sort of 'obviousness'; in this way it is endlessly

1. Examples of scholarship that highlight prisons before their Foucauldian birth include Pugh 1968; Melossi and Pavarini 1977; Pike 1983; Spierenburg 2007; Geltner 2008.

revived."[2] This endless revivification, he meant, can look like continuity, which can be easily confused with necessity. In effect, he thought that the prison's seeming historical ubiquity would make its abolition harder to imagine and enact.

Larsen and Letteney's work makes clear that Foucault quite underestimated the prison's past, and also that the problem is worse than he thought. They show that the prison was alive, functioning, and heavily depended on by authorities already in antiquity; that is, the narrative that Foucault believed to be an impressionistic illusion of the prison's historical depth instead actually offers a realistic depiction of the prison's premodern character.

Interestingly, Larsen and Letteney aren't interested in replacing Foucault's chronology with a new birth story—though this is a common move among historians whose work displaces the late eighteenth century as the prison's originating moment. Rather, Larsen and Letteney portray the ancient Mediterranean world's prisons of from roughly 300 BCE to 600 CE as *already* mature by that era. Imprisonment as a system was *already* established and sophisticated; it was also already diverse in form. Their sources describe people imprisoned in cellars, in civic administrative buildings, on military bases, in temples, and even in cage like spaces under open-air theaters, where spectators could watch condemned prisoners battle both wild animals and professional fighters to the death. The prisons of antiquity were already substantive, bureaucratically organized, and complex. The reader comes to understand quickly that the origin of these institutions lies even further back, in some other age, for some other scholars to uncover.

In short, antiquity was already a sophisticated carceral moment, so sophisticated that the authors offer a typology of eight different kinds of prisons employed in the period—with subcategories further differentiating some of the types. Was imprisonment the main means of punishment in the era? No: the authors make no such claim. But they do insist on its omnipresence and thus importance in the societies they describe.

They also suggest a reason for these prisons: as in so many other places and times, prisons in antiquity existed to solve the problems of people with an abundance of social power. Larsen and Letteney describe an ancient Mediterranean world stratified by a rock-hard line between the wealthy and the poor, a world fractured by religious differences and frequently riven by war. In this world, imprisonment served to confine the poor, the heretics, and the vanquished.

If this all sounds familiar, that's because it is: the authors observe that the prisons of the ancient Mediterranean resemble both the prisons of today, around the world, and perhaps the prisons of every other epoch in between. As they note, the infamous hallmarks of modern mass incarnation, the "penal incarceration, limited-term sentencing, solitary confinement, economic drivers of mass incarceration, the connection between violence, prisoner bodies, and popular entertainment," all existed in one form or another in antiquity (p. 195). Prisoners a thousand years ago were surveilled, confined in miserable conditions, differentiated ideologically if not materially from enslaved people, and starved. Prisoners in antiquity labored under the control of authorities, endured family separation, and received social stigma owing to their confinement. Was anything different? Certainly. The sheer numbers of people incarcerated today, for example, cannot be compared to the population described in this book; the *mass* of our own era's "mass incarceration" is certainly historically distinct. The vibrancy of reform, liberation, and abolition movements

2. Foucault 2015, 92.

is new, and strongly related to the aforementioned exponential growth of the imprisoned population. The stark racial structure of incarceration in many places today was by no means established or developed in the long-ago past. But, while differences exist, what will strike many readers of this book are the similarities between the prison of antiquity and the prison of today.

But what of in-between? Similarities between then (antiquity) and now (the age of mass incarceration) shouldn't lead us to assume steady continuity. It's conceivable that what Foucault took to be the prison's birth in the late eighteenth century was rather its rebirth—a sort of bleak renaissance of an idea drawn from classical antiquity that disappeared in the centuries between. But what about the era just prior to Foucault's penitentiaries? What of early modernity, the moment before imprisonment became European society's main punishment for most accused, captured, and convicted people (always remembering that this was the same moment in which the Atlantic system of racialized chattel slavery was developed). Did early modernity deviate from the patterns established in antiquity? Oddly, the answer seems to be no, not much. It's an uncomfortable answer for historians, this tale of continuity and growth without any obvious moments of disjuncture, but the academic inclination for ever more epochal fracture and difference must have limits.

Looking at the long history of the prison from the vantage point of early modern Europe, the continuity that stands out the most is also the continuity that is probably the most obvious: the correlation between poverty and incarceration. This has been a constant. As Larsen and Letteney observe, "It was not a crime to be poor, but it was certainly the poor, and people who felt the need to steal food, who most often found themselves sitting in an ancient Mediterranean prison." In antiquity, "the prison was disproportionately inflicted on the poor, manual laborers, and socially vulnerable" (p. 112). People without resources became desperate more easily on behalf of their own needs and that of their families; they turned to "crime" more often as a result; they had fewer resources to protest their imprisonment. The evidence Larsen and Letteney present is striking in and of itself, but perhaps the more so because historians have pieced together evidence suggesting that this same situation persisted into the medieval and early modern period.

For example, the historian Guy Geltner, in his incisive study of medieval imprisonment, noted that throughout the Middle Ages, poverty could lead quickly to prison. Geltner's study of a Florentine prison found that "debts ma[de] up 64 percent of the ground for arrest" of prisoners during a three-year period he analyzed. Similarly, he notes that a strikingly common feature of prisoners throughout medieval Italy was their shared state of poverty.[3]

Geltner's work also lets us think about inconsistent aspects of carceral history. Among the points that Geltner insisted on was the visibility of the imprisoned to the eyes of medieval Florence; Larsen and Letteney describe ancient inmates "carefully hidden from the eye," with facilities "built in such a way that the spaces were accessible, while prisoners themselves were harder to see than to hear, to touch, or to smell" (p. 84). If in fact in medieval Europe prisoners were central and visible, they would not remain so forever. The archive lets us know that in early modern Europe, and also in the colonial Americas, many prisoners would beg, from barred windows, for food from passersby. Authorities worked hard to remove this visibility as the eighteenth century ended.

3. Geltner 2008, 53.

Poverty, though, remained a constant main cause of incarceration in Europe into early modernity. Pieter Spierenburg, in his incisive monograph on the rise of "disciplinary institutions" in early modern Europe, noted of England's fifteenth-century houses of correction that they were, first, intended as a means of controlling the rising population of impoverished people in an increasingly secularized world, and second, that they were certainly intended to be punitive. As in antiquity, imprisonment was not the only means of punishment available to authorities but it was increasingly popular and worked hand-in-hand with the other main institutions of discipline: "the galley, public works, and transportation."[4] Spierenburg noted that the famous workhouses of early modern Europe, despite the implications of their name, rarely turned a profit, or even broke even. Their costs, though, were a small price to pay given how successfully they confined and rendered less visible the new masses of impoverished people that so troubled those with power.

The chain link between poverty and imprisonment persisted into the eighteenth century. In March of 1729, to give just one well-known example, General James Oglethorpe of the British House of Commons led a government committee charged with examining the condition of London's prisons. The group's finding were predictable: marginalized and impoverished people were the most likely to enter prisons, and then also disproportionately the most likely to die inside their walls. Early modern prisons affected impoverished people precisely because they were likeliest to resort to criminalized acts in order to feed themselves, because they were the likeliest to fall afoul of creditors, because they were the least connected to patrons who might help them, and because they had the least ability to pay for services such as attorneys, to pay for court fees, to pay for necessities to make their imprisonment more tolerable, or to pay for bail.[5]

Our authors note that "the fastest track to incarceration across the ancient world was to owe somebody money, especially someone of high social status who had well-established avenues to social and political power and a willingness to grease the wheels of the carceral apparatus to turn in their favor" (p. 156). Not much changed in the succeeding centuries. Oglethorpe underscored the social inequities that fueled the prison system of early modern London. Too many people who ended up in such prisons, he noted, were there not for what he thought of as actual crimes worthy of punishment, but rather for debt. In an early modern catch-22, once an impoverished person was arrested, the chances of paying their debts disappeared, and their situation became extreme.

The situation could be dire in the most basic of ways. Take, for just one example, food in prison, a topic on which Larsen and Letteney offer their readers a fascinating discussion. Not only was food hard to obtain for many incarcerated people during the period under discussion in this book—most notably but not only for the poor—but food-related crimes often *led* people to prison. This was not only a problem of antiquity. Geltner found it to be the case in medieval Italy; Spierenburg found it to be so through northern Europe (and elsewhere); and the problem remained unresolved still in early eighteenth century London, where Oglethorpe's committee report noted that many destitute prisoners starved to death. To pay for food required money, which few prisoners had. Their poverty left them at the mercy of cruel wardens who sometimes resorted to torture to ensure they had fully fleeced

4. Spierenburg 2007, 24.
5. James Edward Oglethorpe, Reports (London, 1729), reprinted in Baine 1994, 44–158.

the imprisoned of assets, or just to assert their dominance over the unfortunate prisoners. In the Fleet Prison, for example, one prison keeper put too-tight iron cuffs around the legs of a prisoner for three weeks, leaving the man disabled.[6]

Cui bono? As with later prisons, this is a question we might ask regarding the prisons of antiquity. Were the keepers of antiquity's prisons similarly incentivized to abuse their inmates? The answer to that is, yes, sadly. Larsen and Letteney have found evidence that prisoners were physically abused and chained. In the skeletal remains of a crucified man they observed indentations in the ankle bones that suggest he (too) spent a long time chained by the legs. But they do not claim to understand fully (because the sources simply will not say) who benefited from this sort of abuse. Were wardens benefiting directly from their treatment of prisoners? Did they resort to extortion? We can only say that it seems likely. The authors present ample evidence that people were falsely accused and falsely incarcerated, suggesting some sort of corruption in the system. We learn that even in antiquity, wardens held the right to deny prisoners even light, charging them for lamps and oil, and that some abused the practice in ways that others noticed and protested. In such a system, with such opportunities for personal enrichment, it seems that at least some wardens enriched themselves—the authors note that a third-century jurist recommended that wardens were to be punished if they accepted bribes for better treatment (p. 175). Jurists rarely offer such recommendations as simple hypotheticals.

The poverty of prisoners, though, is far from the only constant of incarceration's long history. Even where we might expect to see difference, it hardly appears. Artistic images of the prison seem to have remained static, for example. The authors describe certain tropes in antiquity's creative representations of prisons and the imprisoned: abased prisoners, dank conditions, hierarchically arranged compositions. Oglethorpe's committee had their portrait painted by no less an artist than William Hogarth (fig. 25). The artist's imagination was drawn to the pathos of the topic; however, what is more interesting to consider in this context is how similar his composition seems to those in antiquity described by the authors. Hogarth puts Oglethorpe into a dimly lit prison cellar, just as does the art of antiquity; Hogarth's prisoner is at the bottom of the composition, in a supplicant position; much of the art described in this book depicts prisoners in a similar fashion. In almost every way, the artistic tropes align: the prisoner is fettered, even though he is within secure walls; the prisoner is naked and emaciated; the prisoner is foreign and a heretic.[7] Even the artistic vision, it seems, saw prisons as having changed little over the course of a millennium; even artists were caught in certain tropes and consistencies; or perhaps even they saw no way to imagine something else.

Such a problem of imagination brings us back to Foucault's difficulty of freeing oneself from faulty impressions. His point, of course, was not that there is anything inherently fatalistic about imagining the prison as something as old as time. He wanted historical knowledge that could contribute to a future without the prison's barbarism. Foucault ended the first chapter of *Discipline and Punish*, with a famous meditation on the purpose of his work. "I would like," he wrote,

6. *Journals of the House of Commons* 21 (1803): 279.

7. William Hogarth, *The Gaols Committee of the House of Commons,* oil on canvas, ca. 1729.

FIGURE 25. William Hogarth, *The Gaols Committee of the House of Commons*. Copyright National Portrait Gallery, London.

> to write the history of this prison, with all the political investments of the body that it gathers together in its closed architecture. Why? Simply because I am interested in the past? No, if one means by that writing a history of the past in terms of the present. Yes, if one means writing the history of the present.[8]

It would be a curious thing if the preceding pages, describing a time so long ago, are in fact also a history of our present. But are they also a history of our future? Reckoning with the prison's deeper history might help to prevent that. But if "the impression of the prison's antiquity" is true and the prison has indeed been ubiquitous to human society, then the real reckoning will involve the history of what has gone on *outside* the prison's walls. For millennia, humans outside such walls have locked others within them. What sort of societies have humans made and endured that have come up with nothing better?

8. Foucault 1977, 112–14.