

PANEL: Three faces of enslavement: the state; the market; and the individual

Paper: Stealing for the market: the illegitimacy of enslavement in the early modern atlantic world

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This paper is set within two of the major threads that run through the economic history of slavery.

The first is the long-running debate about the role of economics in the abolition of slavery that began with Eric Williams' *Capitalism and Slavery* in 1944. Williams argued that the slave system of production was no longer profitable and therefore abolition was a rational decision. Seymour Drescher's rebuttal thirty-three years later in *Econocide* (1977) held that slavery was still very profitable at the time of its abolition and that it must therefore have been the result of moral rather than economic sentiments. Here I want to bring the economic and the moral together and suggest that the illicit wealth associated with the slave trade was a major driver of the moral sentiment that sought to abolish that trade in the eighteenth century. The abolitionist writings drew on a number of themes including the horrific treatment of the enslaved, and their equal status as humans with those who were free. But one of the primary elements concerned the practices that commercial slave traders were understood to encourage in their quest for wealth: the violent theft of *free* individuals for illegitimate sale on the market. The slave trade in the eighteenth century was imagined in terms of theft, violence and greed.

The second thread reflects the decline in interest in the study of slavery from an economic history perspective from the 1980s. In reviewing Fogel and Engerman's *Time on the Cross*, in 1979, Moses Finley - one of the foremost supporters of the 'slave societies'/'society with slaves' binary, which categorised slave societies according to the dominance of slaves in economic production - challenged the usefulness of economic structure as a driver of slave status. With the publication of Patterson's *Slavery and Social Death* in 1982 the issue of slave status was effectively decoupled from the economic organisation of production, as scholars turned instead to a social relations model that gave precedence to the role of exclusion.

The field of contemporary slavery studies has begun to revive interest in the role of economic factors as drivers of enslavement. For Kevin Bales, who has been at the forefront of this field, the purpose of enslavement is primarily one of economic exploitation of the poor. The definition of contemporary slavery remains embedded in the idea of control that was central to Orlando Patterson's definition of slavery in 1982.¹ But while he reiterated and extended the centrality of control, Bales was interested in

¹ Orlando Patterson, *Slavery and Social Death* (Cambridge Mass.: Harvard University Press, 1982), 13. Slavery was defined as 'the permanent, violent domination of natally alienated and generally dishonoured persons'.

the purpose of that control. In *Disposable People*, his first book on contemporary slavery in 1999, Bales defined slavery as 'the control of one person (the slave) by another (the slaveholder or slaveholders)' that 'transfers agency, freedom of movement, access to the body, and labor and its products and benefits, to the slaveholder.' Bales was clear that the control was supported and exercised through violence and its threat, but also that people sought out slaves in order to exploit their labour.² His work has been significant in establishing control for the purpose of exploitation as the primary criterion for identifying slavery in contemporary legal discourse. Slavery, as outlined in the *Bellagio-Harvard Guidelines* (2012),

should be understood as constituting control over a person in such a way as to significantly deprive that person of his or her individual liberty, with the intent of exploitation through the use, management, profit, transfer or disposal of that person. Usually this exercise will be supported by and obtained through means such as violent force, deception and/or coercion.³

Here I want to argue that economic concerns have always been a factor in enslavement, because if today, individuals find themselves deprived of their freedom illegitimately and by force for the purpose of profit, this was no less so in the past. To show this, and to reveal the impact of that illegitimacy - both in terms of the history of enslavement, and the history of abolition - this paper has three sections. The first separates enslavement into its legal and illegal forms. The second looks at the medieval development of the 'slave', and the third considers the 'slave' and 'slavery' in the early modern period. These are followed by a short summary conclusion.

1. Legal and illegal forms of enslavement

While scholars of contemporary slavery highlight the use or threat of force as the means to exploit, and link it to the illegitimate nature of slavery today, similar forms of enslavement in the past were also recognized as illegitimate. If you ask scholars of slavery for a list of the methods that were used to enslave individuals in the past it will read as follows: war, birth, judicial punishment, debt, poverty (through voluntary self-sale and the sale of dependents), and kidnapping. Though all today look to us as equally heinous methods of control, the first five were socially sanctioned and thus legitimate methods in the bulk of all historical societies at some point in time. However the last - kidnapping - was always proscribed in law. Applying this analytical framework to the study of slavery of the past - by separating it into its legal and illegal forms - provides new ways to think about the history and development of enslavement. Legality and illegality, as forms of juridical status, are socio-political constructs that shift and change over time. But they also exist in tension with one another. While Foucault's most

² Kevin Bales. *Disposable People: New Slavery in the Global Economy* (University of California Press 1999).

³ Jean Allain and Kevin Bales, 'Slavery and Its Definition', Queen's University Belfast Law Research Paper No. 12-06, (2012).

obvious assertion may have been that ‘the existence of a legal *prohibition* creates around it a field of illegal practices’, legal *approval* could have the same effect.⁴

For the period in history in which slavery was a legitimate social institution, laws that codified and regulated the descent into slavery operated as a system of production for a unique form of labour – dependent, unpaid, devoid of legal autonomy and thus subject to the absolute, unlimited and permanent authority of those they served. Given the drudgery of much work pre-mechanisation, it is not surprising that a legitimate market for the purchase and sale of the enslaved developed around this institution. Nor is it surprising that running alongside this legitimate system of enslavement were illegal systems of production in which would-be enslavers used force, and/or deception to control individuals they had no justification in law to enslave, in order to profit from their sale as enslaved labourers. In other words, the legal institution of enslavement provided a cover for illicit enslavement practices. Indeed, three modes of enslavement are visible during the time in which slavery was an accepted social institution: legal; quasi-legal (in which would-be enslavers exploited legal routes by creating the conditions that would bring about a legitimate title to enslavement); and illegal (in which persons were held without reference to title and offered on the market). Today, when slavery is prohibited in international law, we also see the use of a pseudo-legal mode (in which would-be enslavers exploit titles to enslavement that were, but are no longer, supported in law).

This paper focuses on the impact of illegal forms of enslavement. Such practices appear to have been the counterpart of legal forms of enslavement from very early in human history. The body was a highly valued commodity with a productive, and in the case of women, a reproductive, potential. While ancient societies were prepared to sanction enslavement within certain boundaries, they recognised there was a market for slave labour and actively sought to protect their own free citizens from illegitimate seizure and sale. Although cases of illegal enslavement through the sale of captured persons into the slave markets was a constant companion of *bona fide* sales, the process of raiding for, and sale of, slaves without legal title underwent localised periods of expansion, from the activities of Sicilian-based pirates in the eastern Mediterranean in the late Roman republic and early empire to the sourcing of labour from the west coast of Africa for the American plantations that continued well into the nineteenth century.

Evidence of the theft and sale of individuals into enslavement without proper title can be identified from the laws that were intended to punish it. In the oldest surviving law code of Ur-Nammu from the Ancient Near East in the third millennium BCE, a man committing a kidnapping was to be imprisoned and pay 15 shekels of silver. That children were often the target is clear in the later law code [c.1780 BCE] of Hammurabi the sixth ruler of the city state of Babylon. Law 14 states that ‘If any one steal the minor son of another, he shall be put to death’. By the first millennium BCE theft of a person with an intention to sell into slavery attracted the death penalty in the biblical codes of the ancient Israelite community as well as the laws of the ancient Greek cities of Athens and Corinth.

⁴ Michel Foucault, *Discipline and Punish: the Birth of the Prison* (New York: Random House, 1979), 28.

We can also see repeated evidence of proscriptions on slave trading in the historical record. Ancient Indian texts of the period c. 600-0 BCE provide early evidence of this. The *Dharmasutras*, the Sanskrit texts of Hinduism which describe the expectations, duties and role of Brahmins, forbade them to deal in human beings. In the *Tipitaka*, the collection of primary Pali texts which form the doctrinal foundation of Theravada Buddhism, no trading in slaves was allowed as the Buddha considered it harmful to his followers. In the *Arthashastra*, a Sanskrit treatise on statecraft, economic policy and military strategy, supposedly written by Kautilya (Chanakya), an Indian teacher of political science and economics, who was advisor to the first Mauryan Emperor, indiscriminate raiding for slaves was prohibited; only those taken in battle were recognised as legitimately enslaved. Ashoka, grandson of the founder of the Mauryan Dynasty, Chandragupta Maurya, took this one step further by abolishing the slave trade altogether.⁵

In Rome too there is evidence of antagonism towards slave traders. The *Digest*, the huge collection of Roman law compiled by Justinian the Emperor of the eastern Roman empire, included a section from Ulpian on the prosecution of slave-trading, although Ulpian recognised there was 'a kind of slave-trader who is useful in a not unreasonable way in sale and purchase and commercial and lawful contracts'.⁶ Nevertheless in the criminal law of Rome, kidnapping or *plagium*, came under *the lex Fabia*. Originally punished with a fine, under the early Empire the offence was raised to capital level, at least for lesser citizens [*humiliores*] who were sent to the mines or crucified; those of higher status [*honestiores*] were deprived of half their property and permanently relegated to humble status.⁷

In the Christian era, slave trading came in for considerable criticism from an early point in time. 'Menstealers' were condemned in the New Testament [1 Timothy 1:9-10] along with other types of offenders who were to be dealt with by the law [c. 60 CE]. A number of Christian communities throughout the medieval period sought to abolish such activities. The trade in Venice was banned by Doge Orso Particiaco in 876, for example, and by Doge Pietri IV, Candiano in 960.⁸ In England, the national synod of 1102, under Anselm of Canterbury adopted the following canon: 'Let no one presume for the future to enter into that nefarious business by which they were accustomed hitherto to sell men like brute animals in England'.⁹

The slave trade was also banned in medieval Dalmatia in the late medieval period, first in Split in 1373, then on the island of Korčula in 1378 (and again in 1418) followed by

⁵ Clarence-Smith, William, 'Religions and the abolition of slavery – a comparative approach', at <http://www.lse.ac.uk/Economic-History/Assets/Documents/Research/GEHN/GEHNConferences/conf10/Conf10-ClarenceSmith.pdf> [accessed 23 Feb 2019]

⁶ Digest, 50.14.3. See Alan Watson, ed., *The Digest of Justinian*, Volume 4 (Philadelphia: University of Pennsylvania Press, 1985), 445.

⁷ O.F. Robinson, *The Criminal Law of Ancient Rome* (Baltimore: John Hopkins University Press, 1995), 32-4.

⁸ Petr Charvát, *The Emergence of the Bohemian State* (Leiden: Brill, 2010), 95, fn. 12.

⁹ <https://sourcebooks.fordham.edu/source/1171latrsale.asp> [accessed 23 Feb 2019]

prohibition in Dubrovnik [Ragusa] in 1416. The relevant statute of Dubrovnik is as follows:

Believing that the people trade is shameful, criminal, repulsive and in breach of every form of humanity, that considerable guilt and shame is brought upon our city because human beings - created in the likeness of God – are treated like merchandise, and people are sold in the same way as animals, the government decides and orders that no citizen or peasant of the city of Dubrovnik and its surroundings, or any other person who calls himself a man of Dubrovnik, will – in no way and under no excuse of interpretation – dare to and agree to sell or buy a male or female slave, or mediate in such a trade, or enter into such an agreement with any citizen or peasant engaged in or supporting such business.

The punishment was six months imprisonment and a fine.¹⁰ Imprisonment may well have been in the eleventh century Saint Lawrence fortress (Lovrijenac) that stands just outside Dubrovnik city walls, where the following inscription at some point had been chiselled above the entrance: *Non bene pro toto libertas venditur auro* (Liberty cannot be sold for all the gold of the world).

But antagonism towards the slave trade was not restricted to Christian Europe. For one final example we turn to the Torobbe state of Futa Toro in West Africa, founded in c.1776. Its very existence represented a mass protest against the slave trading which from the 1600s had seen an increase as Denyanke rulers took to raiding 'their own subject populations in collaboration with the Trarza, Brakna and Moroccan armies.' This resulted in the decimation of the local peasantry, an issue which helped unite the Torobbe clerics. With his eighteenth century followers Almamy 'Abdul managed to stamp out slave raiding and refused transit for slaving parties seeking to cross his dominions.¹¹

2. The development of the 'slave'

It was persistent slaving across the Slavic lands of Europe that laid the foundations for the most effective and long-lasting legal prohibition of the slave trade, however, because that process of slaving changed the meaning of slavery in the west.¹² The Latin term *sclavus*, originally applied to the Slavic peoples of Europe, appears to have provided the root for many of the European terms that came later to mean 'slave': English 'slave'; French *esclave*; Spanish *esclavo/va*; Portuguese *escravo/va*; Italian *schiaivo/va*; Romanian *sclav*; German *sklave*; Middle Dutch *slave, slaef*; Danish and Norwegian *slave*; Swedish *slaf/slav*. The term *sclavus* entered the Latin language c. 500 CE century as

¹⁰ Damir Račić, *Welcome To Dubrovnik*, 28 (2016), 32-3. ISSN 1334-160X

¹¹ John Ralph Willis, *Slaves and Slavery in Muslim Africa, Volume One* (Frank Cass, 1985; Abingdon: Routledge, 2013), 160-61.

¹² Slav, according to the *Encyclopedia Britannica* refers to 'the most numerous ethnic and linguistic body of peoples in Europe, residing chiefly in eastern and southeastern Europe but extending also across northern Asia to the Pacific Ocean. . . . Customarily, Slavs are subdivided into East Slavs (chiefly Russians, Ukrainians, and Belarusians), West Slavs (chiefly Poles, Czechs, Slovaks, and Wends, or Sorbs), and South Slavs (chiefly Serbs, Croats, Bosnians, Slovenes, Macedonians, and Montenegrins). Bulgarians, though of mixed origin like the Hungarians, speak a Slavic language and are often designated as South Slavs'. See <https://www.britannica.com/topic/Slav> [accessed 23 Feb 2019]

Slavic peoples crossed the Danube and began raiding into Illyria and the Greek peninsular. It was not until the later medieval period, however, that the Latin *sclavus* came to be identified with the European 'slave'.

The Slav lands proved an excellent source for medieval slaves. The process of slaving that saw a large number of people of Slavic descent become enslaved began in the ninth century as Slavs were trafficked across Europe to satisfy growing Muslim demand. The *ṣaḡālība*, a term used to denote the Slavic populations of eastern and central Europe that were enslaved in Islam, appear in medieval Arabic texts from the early ninth to the early eleventh centuries.¹³ Islamic prohibition on the enslavement of Muslims, and the tendency to manumit the enslaved (as a pious act), especially women who gave birth to their masters' children, meant low levels of reproduction.¹⁴ Muslim merchants acquired *ṣaḡālība* from Scandinavian merchants at Bulgar on the Volga, and from Spanish merchants (from al-Andalus) in Prague: the prosperity of the Prague market was related to the centralisation of the Umayyad caliphate in the early tenth to eleventh centuries. Long distance trading networks brought slaves to al-Andalus from a variety of places, but by the tenth century the Slavs were the most numerous.¹⁵

The collapse of Muslim power in al-Andalus in the early eleventh century saw demand for slaves from Muslims fall back.¹⁶ But Europeans were also engaged in the enslavement of pagan Slavs. Davis suggested that the Germans used the term *sclavi* for a limited time in the tenth and eleventh centuries 'to distinguish the *servi* of their own nationality from the captives who arrived from the east, and who were apparently given a far lower status'.¹⁷ Thus according to Verlinden the word *sclavus* first took on the juridical meaning of 'slave' as well as its ethnic meaning of 'Slav' in Germany during the tenth and eleventh centuries.¹⁸

Interpreting the meaning of the term *sclavus* in the medieval period is difficult. There is evidence from around the twelfth century of a shift to replace the Roman term *servus*, as a definition of slave status that had survived into the post-Roman west, with other more relevant descriptors. Domestic servants in Ancient Rome were either slaves or ex-slaves, as far as it is possible to see, even though their range of occupations, as revealed by Treggiari was considerable.¹⁹ But this was not the case in medieval Europe, where servants were increasingly employed on contracts that may have bonded them to their employers, but did not categorise them in law as unfree *persons*. With the decline of military enslavement in Europe and its replacement with the ransom or redemption of captives, those who were enslaved increasingly came from within their own communities, either being born into lifetime 'bondage' or having chosen to enter it voluntarily. In England, for example, lifetime bondage could only result from inherited

¹³ Marek Jankowiak, 'What Does the Slave Trade in the Saqaliba Tell Us about Early Islamic Slavery?', *International Journal of Middle East Studies*, 49 (2017), 169. [169-172]

¹⁴ Jankowiak, 'What', 171.

¹⁵ William D. Phillips, Jr., *Slavery in Medieval and Early Modern Iberia*, (Philadelphia: University of Pennsylvania Press, 2014), 17-18, 56.

¹⁶ Jankowiak, 'What', 169-70.

¹⁷ David Brion Davis, *The Problem of Slavery in Western Culture* (Oxford: Oxford University Press, 1966), 52.

¹⁸ See Charles Verlinden, 'L'origine de *sclavus* – esclave', in *Archivum latinitatis medii aevi*, XVII (1943), 97-128.

¹⁹ Cited in Keith Bradley, *Slavery and Society at Rome* (Cambridge: Cambridge University Press, 1994), 65, and Tables 3 and 4, 62-3.

status, or by admission in a Court of Record. That the Roman concept of slavery was applied to such persons is clear in the legal record. Terms for the legally unfree include the Roman *vernae* and *servus*. But such people did not fit the model of an alien who had been taken by force and sold into slavery.

Language needs to reflect the realities of those who use it, and neologisms are clear evidence of this. The raiding, capture and sale of Slavs onto the European market created an image of the involuntary and enforced subjection of aliens that was incompatible with the systems of bondage that remained legal in Europe. Jankowiak has argued that the term 'slave' did not become completely independent of its ethnic origin until the later medieval period, and this certainly fits with the evidence. The first clear use of the term 'slave' to refer to a slave rather than a Slav in English was not until c. 1290, according to the OED.²⁰ Karras notes that the term does not appear in Latin or vernacular documents before the fourteenth century in Scandinavia either.²¹ And in the Iberian peninsula too, where the terms *sarracenus* and *captivus* had been the first terms to displace *servus*, only with the expansion of the Mediterranean slave trade in the fourteenth century (to include Eastern European captives, as well as those from Africa) did the Spanish turn increasingly towards *esclavo*; in Portugal it took until the fifteenth century for the meaning of *escravo* to be secure. The fourteenth century and the arrival of the Black Death had created a shortage of labour that in Europe was satisfied by Italian traders who bought captive Muslims and a few Africans, alongside a growing number of slaves who streamed in from the east: the Russian steppe and the Caucasus.²²

3. The 'slave' and 'slavery' in the early modern period

From the sixteenth century the terms 'slave' and 'slavery' appear with increasing frequency in the early modern English literature, but they carry connotations of particular types of enslavement. As noted above, the first use of 'slave' in the English vernacular is in c. 1290 when it appears in the *South English Legendary*, a manuscript history of saints' lives. The term is used to describe the experience of Thomas Becket's father, Gilbert, who was led forth 'Ase A sclauē' in the Holy Land, imprisoned and shackled. The term 'slavery', on the other hand, does not enter the English language until the mid-sixteenth century. It first appears in the work of Thomas Becon, an English cleric and Protestant reformer, as a figurative term in a religious context for the tyranny of Catholicism, as Protestantism created a major schism in the religious life of Europe. This reflects a long tradition of using the idea of bondage as a metaphor in Christianity that extends back to the early patristic writings.

The term 'slavery' was picked up and used by Ralph Robinson as a synonym for repugnant forms of labour in his translation of More's *Utopia*, in 1551: 'In this hall all vyle seruice all slauerie and drudgerie, with all laboursome toyle and busines is done

²⁰ In William of Malmesbury's history of the English kings, written c. 1126, the term was still attached to the pagan Slavs. R.A.B. Mynors, R.M Thompson and M. Winterbottom, eds and tr., *William of Malmesbury, Gesta Regum Anorum The History of the English Kings* Volume I (Oxford UP; New York, 1998), 91.1, 110.5, 189.

²¹ Damian Alan Pargas, Felicia Roşu, eds, *Critical Readings on Global Slavery* (Leiden: Brill, 2018), 706.

²² Alan J. Levine, *Race Relations Within Western Expansion* (Westport, Connecticut: Praeger, 1996), 47.

by bondemen'.²³ Robinson's use of the term 'slave' in the same text is also revealing. Slaves are those purchased with money and made subject by fortune rather than justice:

In so much that a lumpyshe blockehedded churle and whyche hathe no more wytte then an asse, yea and as full of noughtenes and folyshenes, shall haue neuertheles many wyse and good men in subiectyon and bondage, onely for thys, bycause he hathe a greate heape of golde. Whyche yf yt should be taken from hym by annye fortune or by some subtyll wyle of the lawe (which no lesse then fortune doth raise vp the lowe, and plucke downe the high) and be geuen to the most vile slaue and abiect dreuell [drivel = drudge] of all his housholde, then shortly after he shall goo into the seruice of his seruaunt, as an augmentation or an ouerplus besyd his money. [Book 2]

When we compare this with the use of the term 'bondman' in the same text, a term that was often used in dictionaries and law handbooks as a synonym of slavery, the differential role of legitimacy in the two types of unfreedom is clearly evident.

They nother make bondemen of prysoners taken in battayll, oneles yt be in battaylle that the fowghte themsel[fes, nor bondemens chyldren, nor to be shorte annye man whome they canne gette owte of an othere countreie, though he were theyre a bondeman.

But other suche as amonge themselves for heynous offences be punnyshed wyth bondage, or ells suche as in the Cytyes of other landes for greate trespasses be condemned to deathe. And of thys sorte of hondemen they haue mooste stoore. Formanye of them they brynge home sumtymes payinge very lytle for them, yea mooste commonlye gettynge them for gramercye [thanks]. Thyse sortes of bondemen they kepe not onelye in contynuall woorke and laboure, but alsoo in bandes. . . .

An other kynde of bondemen they haue, when a vyle drudge beyng a poore laborer in an other cowntreie dothe chewse of hys owne free wyll to be a bondeman amonge them. [Book 2]

If from the mid-sixteenth century, slavery became a popular metaphor for religious tyranny, from the mid-seventeenth century, in light of the English Civil Wars and the challenge to the divine right of kings, slavery became not just a metaphor for, but a weapon of, political tyranny. A good example of this is the petition of Royalists Marcellus Rivers and Oxenbridge Foyle on behalf of themselves and seventy more 'freeborn people of this nation now in slavery in Barbadoes', as related in the *Diary of Thomas Burton*.²⁴ Rivers also published the petition under the title of *Englands slavery, or Barbados merchandize : represented in a petition to the high court of Parliament, by Marcellus Rivers and Oxenbridge Foyle gentlemen, on behalf of themselves and three-score and ten more free-born Englishmen sold (uncondemned)*

²³ Ralph Robinson, *A fruteful, and pleasaunt worke of the beste state of a publyque weale, and of the newe yle called Vtopia: written in Latine by Syr Thomas More knyght, and translated into Englyshe by Raphe Robynson citizein and goldsmythe of London* (1551), book 2.

²⁴ *Diary of Thomas Burton*, ed. John Towill Rutt, Vol 4 (London: Henry Colburn, 1828), 255.

into slavery: together with letters written to some honourable members of Parliament, in 1659.

The petition highlighted the illegal nature of the petitioners' bondage. After a year in prison they had been taken to Plymouth and shipped to Barbados, with no idea of where they were going. On arrival they had been sold to 'inhuman and barbarous persons' for 1550 lb weight of sugar each, 'more or less, according to their working faculties, as the goods and chattels of Martin Noell and Major Thomas, Aldermen of London, and Captain H. Hatsell, of Plymouth.' Conditions of work were hard and took no account of the men's ages or physical condition, and food was poor. They were 'bought and sold still from one planter to another, or attached as horses for the debts of their masters, being whipped at the whipping-posts (as rogues,) for their masters' pleasure, and sleeping in sties worse than hogs in England'.

The petitioners therefore 'do remonstrate on behalf of themselves and others, their most deplorable, and (as to Englishmen) their unparalleled condition; and earnestly beg that this High Court, since they are not under any pretended conviction of law, will be pleased to examine this arbitrary power, and to question by what authority so great a breach is made upon the free people of England . . . but whence they derived their authority for the sale and slavery of your poor petitioners, and the rest, they are wholly ignorant to this very day.' The petitioners ask the court for 'redemption and reparation', complaining that this was 'A thing not known amongst the cruel Turks, to sell and enslave those of their own country and religion, much less the innocent.'²⁵

Running alongside this understanding of slavery as illegitimate subjection was an expansion of commercial activities that saw the use of violence to capture aliens and sell them for profit. During a voyage to Africa in 1562, John Hawkins, the first English slave trader, is reputed to have violently captured around 400 Africans in Guinea, whom he later sold in the West Indies; he continued to use these methods of procurement over the next five years with the support of Queen Elizabeth. In doing so he was following in the footsteps of other Europeans, most notably Lançarote de Freitas, the Portuguese explorer who set the slave trade in motion, after returning from north Africa with a cargo of 235 Berber captives, who were subsequently sold into slavery.

The increase in the commercial trade for fully embodied labour in the early modern period was accompanied by an increased level of activity among the so-called Barbary pirates, operating out of north Africa. These pirates attacked English and other European shipping and even raided as far as Ireland for captives. Between 1530 and 1780 Davis claimed 'there were almost certainly a million and quite possibly a million and a quarter white, European Christians enslaved by the Muslims of the Barbary Coast'.²⁶ Attacks began to reduce as European navies grew in strength from end of seventeenth century, but continued into the nineteenth.

In England, numerous king's briefs were issued to help raise money for ransoming captives, as the government did not ransom ordinary persons. Families and local church groups could also obtain a brief, which effectively provided them with a licence to request money from other churches. From Tudor times until the early nineteenth

²⁵ *Diary of Thomas Burton*, 254-73.

²⁶ Robert C. Davis, *Christian Slaves, Muslim Masters* (Basingstoke: Palgrave, 2003), 23.

century, church or charity briefs and royal warrants were officially issued to individuals or groups who had suffered catastrophic financial losses – often through fire or environmental disaster - allowing them to solicit donations from a wide community of Christians. This process was adapted to the ransom payments for English ‘slaves’, and briefs for those in captivity on the north coast of Africa are seen right through the seventeenth century. A catalogue of names of inhabitants of Cowbitt in south Lincolnshire in 1670, for example, listed those who had contributed towards the ‘redemption of the Captive Slaves in the Turkish Dominions’ together with the amounts they had given. English colonists were also taken captive in North America by native American tribes and sold into slavery or kept as slaves. As a result, at least two systems of illegal enslavement enter the popular consciousness in the seventeenth century: the activities of the Barbary pirates; and the raiding and kidnapping practised by native Indians. This awareness fuelled national anxiety over the enslavement of the British that was encapsulated within the text of *Rule Britannia*, written c. 1730 and set to music by Thomas Arne in 1740.

By the early eighteenth century violence, theft, tyranny and injustice had come to dominate the meaning of the terms ‘slave’ and ‘slavery’ in British culture. A growing volume of published material from newspaper articles, plays and personal freedom narratives, to music and poetry embedded these ideas within the semantic frameworks of individuals from widely different educational, social and political backgrounds across a broad reach of geographical locations. They were perhaps articulated most effectively by Thomas Clarkson in his prize-winning essay at Cambridge, written in 1785, which revealed the illegitimate nature of the slave trade. Clarkson in this essay was not against slavery *per se*, dividing it into two types, voluntary and involuntary. Those entering slavery voluntarily included those who had a contract, usually as a result of their poverty, that was ‘founded on *consent*’; and those who chose to engage in practices that they knew in advance would lead to servitude. These he saw as legitimate.

The *involuntary*; on the other hand, will comprehend those, who were forced, without any such *condition* or *choice*, into a situation, which as it tended to degrade a part of the human species, and to class it with the brutal, must have been, of all human situations, the most wretched and insupportable.²⁷

Into this category he placed the bulk of Africans entering the transatlantic trade, who had been enslaved illegally because the methods used went beyond the agreements that had originally been made with their chiefs.

The Europeans, on the establishment of their western colonies, required a greater number of slaves than a strict adherence to the treaty could produce. The princes therefore had only the choice of relinquishing the commerce, or of consenting to become unjust. They had long experienced the emoluments of the trade; they had acquired a taste for the luxuries it afforded; and they now beheld an opportunity of gratifying it, but in a more extensive manner. *Avarice* therefore, which was too powerful for *justice* on this occasion, immediately turned the scale: not only those, who were fairly convicted of offences, were now sentenced to servitude, but even those who were *suspected*. New crimes were invented, that new punishments

²⁷ Thomas Clarkson, *An Essay on the Slavery and Commerce of the Human Species* (Cambridge, 1786), Part I, ch.1.

might succeed. Thus was every appearance soon construed into reality; every shadow into a substance; and often virtue into a crime.

Such also was the case with respect to prisoners of war. Not only those were now delivered into slavery, who were taken in a state of publick enmity and injustice, but those also, who, conscious of no injury whatever, were taken in the *arbitrary* skirmishes of these *venal* sovereigns. War was now made, not as formerly, from the motives of retaliation and defence, but for the sake of obtaining prisoners alone, and the advantages resulting from their sale. If a ship from Europe came but into sight, it was now considered as a sufficient motive for a war, and as a signal only for an instantaneous commencement of hostilities.²⁸

As Clarkson was keen to emphasise, slavery was a matter of fortune: 'But how does the *slave* differ from his *master*, but by *chance*?'²⁹ Clarkson was clear: 'as nature made every man's body and mind *his own*; it is evident that no just man can be consigned to *slavery*, without his own *consent*.'³⁰ The stage was set for a general revolt against the injustice as well as the inhumanity of those involuntarily enslaved for the purposes of profit.

Conclusion

While Bales' work has revived interest in the role of economic production as a driver of contemporary slavery, here I argue that we also need to take account of the impact of broader economic activities, and of their role in the run up to the abolition of the slave trade in 1807. Though slaving as an activity was a legitimate form of wealth creation, the methods used to enslave were increasingly perceived as illegitimate. This helps us understand the interplay between the moral and economic in driving abolitionist sentiment in the eighteenth century.

I have argued that the eighteenth-century understanding of slavery as an illegitimate practice borne of violent coercion drew heavily on the semantic separation of the Roman model of enslavement into local and alien forms that had occurred in the late medieval period. By the sixteenth century, the terms 'slave' and 'slavery' were already connotative of the coercion, violence, injustice and amoral commercial actions that were to characterise the market for unfree labour in the early modern Atlantic world. By the seventeenth, the meaning of 'slavery' as a system of illegal and violent subjection had become embedded in English political, religious and commercial thought.

From this vantage point, it was not difficult for abolitionists to evidence high levels of illegitimate enslavement in their attempts to abolish the slave trade. The irony is, that the kidnap and sale of individuals on to the market without just title had always been illegal. In their desire to de-legitimise the slave trade, abolitionists were attacking practices that were already considered illegitimate, and had been since the very first slaves appeared in the historical record.

²⁸ Clarkson, *Essay*, Part I, ch. 8.

²⁹ Clarkson, *Essay*, Part I, ch. 6.

³⁰ Clarkson, *Essay*, Part II, ch. 4.