

Abolition
A History of Slavery and Antislavery

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A Perennial Institution

In March 1844, an English traveler in Morocco presented himself to the governor of Magador. James Richardson announced that he was the agent of a “Society” for promoting “the Abolition of Slavery and the Slave Trade in Every Part of the World.” His mission was to petition the Emperor of Morocco to join all men in all parts of the world in abolishing a traffic “contrary to the rights of Men and the Laws of God.” The governor replied that Richardson’s mission was “against our religion; I cannot entertain it, think of it or interfere with it in any way whatever.” The purchase and sale of slaves was authorized by the Prophet himself. If the governor were even to accept the petition, he told Richardson, the Sultan, he claimed, would order the governor’s “tounge to be cut from my mouth.” Moreover, recorded the Englishman, were the Moroccan Emperor to agree with the Society and abolish the traffic in slavery throughout his dominions, all the people would rise in revolt against him and the Emperor would be the first to have his head cut off. The governor, he concluded, “politely declined to receive the petition.”¹

In March 1844, the governor of Magador was not alone in refusing to receive petitions requesting the abolition of the slave trade or slavery. In 1840, the U.S. House of Representatives, after years of vituperative debate, enacted a rule prohibiting that body “from receiving, much less considering, antislavery petitions.”² In 1842, the Moroccan ruler himself had dismissed a far more modest request from the British Consul-General. The British government requested information on any measures that the Sultan had taken toward the abolition of the African slave trade. The Sultan responded that the traffic was a “matter on which all sects and nations have agreed from the time of Adam” And, because “no sects and nations

¹ PRO F084 540 (Slave Trade) fols. 103–106.

² William W. Freehling, *The Reintegration of American History, 199–200*. This “gag rule” endured until the end of the 1844 session.

disagreed on the subject, its acceptability required ‘no more demonstration than the light of day.’”³ Nor could anyone dream, when James Richardson was conversing with the governor of Magador, that precisely a century later there would be more slaves toiling in his own civilized continent than in all the plantation societies of the Americas.

No one in the first half of the nineteenth century would have challenged the Sultan on the antiquity of slavery. In the 1850s, American Southern writers and politicians could accurately avow that free labor societies were still a “little experiment” emanating . . . from “a corner of Western Europe” and, thus far, a “cruel failure.” As late as the 1790s, English abolitionists could still be dismissed in Parliament as quixotic dreamers for their effrontery in proposing to abolish trading in slaves along a large segment of the coast of Africa. One noble lord sarcastically dismissed the proponents of the prohibition as megalomaniac “emperors of the world” for imagining that sweeping lines of demarcation could be drawn on a map of the earth, prohibiting a trade as old as humanity.⁴

A few decades earlier this attitude was common even among enlightened reformers. Adam Smith cautioned his Scottish students not to mistake their society as exemplary in the matter of slavery. Their own small corner of the world was the only area from which slavery had slowly disappeared. Less than a millennium earlier, Europe itself had been a major supplier of slaves to the Muslim World. The men, women, and children who were led as captives across the Alps and the Mediterranean were then the most valuable commodities underdeveloped Europe could offer to Islamic Africa and Asia.

Modern scholarship has increasingly detailed the nuances, complexities, and variations of an institution in whose name communities acquired, maintained, and reproduced people deprived of the protections of kinship or legal status that were available to other members of the community. At the moment of acquisition, and often for the remainder of their lives, they were subordinate individuals with limited claims on the society in which they lived and died. Their bodies, their time, their service, and often their children were available to others, as sources of labor, pleasure, and management, or as objects of violence.

Historians have long recognized a large cluster of analogous institutions and relationships extending across the globe and over millennia as variations on a condition called slavery. The most crucial and frequently utilized aspect

³ See Bernard Lewis, *Race and Slavery in the Middle East: An Historical Enquiry* (New York: Oxford University Press, 1992), 3.

⁴ On Southerners, see Russell B. Nye, *Fettered Freedom: Civil Liberties and the Slavery Controversy 1830–1860* (1963), 304, 308, 309, quoted in Robert Fogel, *Without Consent or Contract* (1989), 343; and David Eltis, *Rise of African Slavery* (2000), 4. On the English dismissal of abolitionist pretensions at the end of the nineteenth century, see Seymour Drescher, *Capitalism and Antislavery: British Mobilization in Comparative perspective* (New York: Oxford University Press, 1987), 268 n.13.

of the condition is a communally recognized right by some individuals to possess, buy, sell, discipline, transport, liberate, or otherwise dispose of the bodies and behavior of other individuals. Within this definition would fall individuals who might be agents of supreme political power, such as eunuchs of an emperor's court. They might be incorporated into an elite band of warriors as the mainstay of imperial authority and military expansion. Their lives could be materially abundant or miserable. They might be pampered sexual servants of the wealthy. They might be short-term captives whose main value was as subjects of elaborate ritual sacrifice or as candidates for deadly medical experiments. They might be subject to rulers, corporate institutions, or individual members of a society. They might serve economic, military, sexual, reproductive, or religious ends. Such individuals were, at least initially, unprotected by ties to the community. Slaves were usually designated as outsiders, either by the fact of initial captivity, purchase, or inherited status.

Exit from the status of dependency might depend upon the choice of masters and be constrained by higher authority and communal sanctions. In small, relatively isolated societies, potential enslavability might be ascribed to almost any non-member.⁵ Historians and social scientists may focus on any one of a number of criteria that were significant markers of the institution in their specific areas of interest. David Brion Davis, concerned with New World slavery, emphasizes the crucial status of slaves as chattel. Other scholars have highlighted aspects of slavery in which proprietary claims are less significant markers of the status. For comparative purposes, I will have occasion to look briefly at examples of bondage in which proprietary claims for coercive control of other individuals were absent. In the Soviet Gulag system, for example, lifetime servitude was not a component of submission to forced labor. Captives not condemned to death were allotted terms of imprisonment.⁶

⁵ On the range of relationships see, inter alia, Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, MA: Harvard University Press, 1982); and *Freedom in the Making of Western Culture* (New York: Basic Books, 1991); David Brion Davis, *Inhuman: Bondage: The Rise and Fall of Slavery in the New World* (New York: Oxford University Press, 2006), esp. chapter 2; Stanley L. Engerman, *Slavery, Emancipation and Freedom: Comparative Perspectives* (Baton Rouge: Louisiana State University Press, 2007), part one, sec. III; *Slavery in Africa: Historical and Anthropological Perspectives*, Suzanne Miers and Igor Kopytoff, eds. (Madison: University of Wisconsin Press, 1977); Ehud F. Toledano, *As If Silent and Absent: Bonds of Enslavement in the Islamic Middle East* (New Haven: Yale University Press, 2007); and *Slave Systems: Ancient and Modern*, Enrico dal Lago and Constantina Katsari, eds. (Cambridge: Cambridge University Press, 2008), Part I, 1–102.

⁶ See Oleg V. Klevniuk, *The History of the Gulag: From Collectivization to the Great Terror* (New Haven: Yale University Press, 2004), 290–291. I include the Gulag as exemplary of the great expansion of coercion in the Eastern hemisphere during the second quarter of the twentieth century.

Many historians of slavery have taken as their point of departure the distinction between *societies with slaves* and *slave societies* as crucial for understanding the emergence and evolution of slavery. These theoretical categories were developed over decades of research and interpretation into various types or stages of the institution. They have been applied to both its New and Old World variants. In this division of the institution, the phrase *societies with slaves* applied to societies where slaves were generally held in smaller aggregates, often in household units. The enslaved were marginal to the most value-adding economic activities. In *societies with slaves*, the distinction between slaves and other subordinate groups is portrayed as more porous and ambiguous than in *slave societies*. *Slave societies* are, therefore, deemed to have lower rates of exit from enslavement via individual manumission. In such societies, slaves would be less likely to be attached to households or to family units. The lower ratio of slaves to non-slaves would require less highly organized policing systems. And, in the more feminized domestic systems of *slave societies*, large-scale collective resistance would be less frequent.

In *slave societies*, the dominant social groups depended far more upon the wealth generated by slave labor. In their large-scale units of production, it was more difficult for enslaved individuals to achieve freedom, much less enter the slave-owning class. Above all, in *slave societies*, slavery became the normative model of social relationships at the center of economic production. For Moses Finley, who initially articulated the distinctive characteristics of *slave societies*, it was the dual *location* of slaves, at the centers of both production and power, that provided the key to understanding the emergence and maintenance of a *slave society*.⁷ In Finley's initial perspective, apart from ancient Athens and Roman Italy, slave

⁷ See Moses Finley, "Slavery," *International Encyclopedia of the Social Sciences* (New York, 1968); and *Ancient Slavery and Modern Ideology* (New York: Viking Press, 1980, expanded edition, 1998), (quotes on pp. 80–82); 79–82; for the extension of the dual model to the New World see Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge, Mass: Harvard University Press, 1998), 8–9. Many regions of Africa, where slaves represented a quarter to half of the population, would clearly qualify for what Finley called *slave societies*. Those most engaged in commercial agriculture had proportions of slaves that equaled or exceeded those of ancient Roman Italy or the lower antebellum southern United States. Muslim societies in North Africa and Asia, where slaves might account for less than 10 percent of the inhabitants, experienced no internal pressure to abolish the institution before the mid-nineteenth century. For the most recent and thorough discussion of comparative approaches to slave systems in world-historical context, see Enrico Dal Lago and Constantina Katsari, "The Study of Ancient and Modern Slave Systems: Setting an Agenda for Comparison," in *Slave Systems: Ancient and Modern*, Dal Lago and Katsari, eds. (Cambridge: Cambridge University Press, 2008), 3–31. For a systematic comparative perspective on processes of individual and collective deliverance from slavery, see above all, Olivier Pétré-Grenouilleau, "Processes of Exiting the Slave Systems: A Typology," *ibid.*, 233–264.

societies were confined to certain parts of the Americas in the four centuries after 1500.

The chronology of slavery's successive expansions and abolitions might point us in another direction. For those interested in the expansion and prohibitions of the institution from a global perspective, both slavery and the long-distance slave trade endured longest and most uninterruptedly in parts of the world with presumably less impact from slavery than those usually designated as slave societies. Whether located in areas usually designated as slave societies or societies with slaves, the institution was entrenched in the Old World far longer than in its modern New World variants. Slavery was widely diffused throughout Africa, Asia, and the Mediterranean until the twentieth century. For a millennium after the collapse of the Western Roman Empire, states within its former orbit sanctioned slavery. The eighteenth-century sources of Old World abolitionism would arise chiefly in areas that were distinguished by not being centers of an otherwise ubiquitous institution.

In other words, the heuristic value of the distinction between slave societies and societies with slaves may be more useful in examining relationships and behavior between zones of slavery than in accounting for the rise and fall of the institution itself. In every society with a system of slavery, one must devote equal attention to the processes of enslavement and reproduction as well as the ease of exit from the institution by way of flight or armed resistance. A system with extremely high rates of manumission logically prescribes a high demand for fresh captives with all of the corresponding mortality, morbidity, family disintegration, individual psychological trauma, material deprivation, and insecurity entailed in that process. So, what may appear as relatively mild bondage for the enslaved within any society may look more like a plunge into disorientation, deprivation, and degradation for recruits from without. In this work, slave systems will be approached primarily in terms of the degree to which they retarded or facilitated the growth or destruction of the institution or its components.

Historically, three aspects of slavery stand out as starting points in any intercontinental account of slavery and abolition. The first is slavery's obvious antiquity, ubiquity, and durability. Certain characteristics of the institution endured in most areas of the world. They persisted despite short-term shifts – demographic and economic crises, or political, cultural, and social upheavals. Another important characteristic of slavery was that it was remarkably transferable across time and space. Roman slave law left its imprint wherever the major Mediterranean civilizations spread. It would be reconstituted in the colonial Americas, South Africa, the Indian Ocean world, and Eurasia. It would be regenerated in zones of devastating warfare, in busy port cities, or in booming agricultural frontiers. During the first millennium of the Common Era, the institution of slavery was clearly a shared institution in all regions linked by cultural affiliation with the monotheistic

tradition and Roman civil law. Like Judaism, Christianity and Islam viewed slavery as immutable as marriage and human warfare. These traditions, in turn, drew upon older traditions inherited from Mesopotamia and the Mediterranean. All of their successive heirs sanctioned enslavement arising from conflict, purchase, or birth. All sought to regulate and delimit its scope. All developed codes for recruitment, enforcement, and exit.

David Brion Davis has long since traced the network of beliefs and rationalizations about slavery inherited from the ancient Mediterranean and Near Eastern worlds. Aristotle furnished two millennia of statesmen and theologians with the philosophic justification of slavery. The Church fathers, especially St. Augustine, linked bondage to the inherited penalty for sin. What is most remarkable about the ancient world's surviving commentaries on slavery is their relative brevity and infrequency. Aristotle's is the only surviving ancient attempt at a formal justification of slavery. Whether or not human beings might be unjustly enslaved, there was only one condition on which Aristotle could imagine the institution's disappearance: masters could do without slaves when "each instrument could do its own work . . . as if a shuttle should weave of itself and a plectrum should do its own harp-playing."⁸ Most commentaries were geared towards improving, mitigating, or even glorifying slavery. An outstanding example was the embedding or imbuing of religious doctrine with metaphors of slavery. Saint Paul and early Christian leaders drew upon Jewish and other Levantine traditions to designate themselves and their followers as slaves of God or Christ. Christians or Muslims could locate themselves in the same relationship of powerless subjection to the all-powerful deity as the slave to his owner. Because even highly positioned slaves were never exempt from both physical and symbolic degradation, reliance on the metaphor "bolstered the acceptability of slavery in the real world and increased the ammunition of those who wished to regard it as a natural human institution."⁹

Nowhere in Christianity, from Byzantium to Britain, was there a diminution of the salvational value allotted to spiritual enslavement to Christ

⁸ See David Brion Davis, *The Problem of Slavery in Western Culture* (Ithaca: Cornell University Press, 1958), ch. 3. On the rarity of extended analysis of ancient slavery, see Finley, *Ancient Slavery*, 117–118. The quotation from Aristotle is from *The Politics of Aristotle* Ernest Barker, trans. (Oxford: Clarendon Press, 1948), 12.

⁹ Keith Bradley, *Slavery and Society at Rome* (New York: Cambridge University Press, 1994), 153. The master-slave bond could signify a supremely loving relationship as well as a form of degradation. For Isaiah, slavery was biblically linked with his prophetic power: "This is my slave, whom I uphold, my chosen one, in whom I delight. I have put my spirit upon him." Isaiah 42:1, quoted in Catherine Hezser, *Jewish Slavery in Antiquity* (Oxford: Oxford University Press, 2005), 328. Slavery was a path to salvation. Christian bishops and Byzantine officials used the old Latin and Greek words *servus* or *doulos*, to refer to their exalted status in church and state. Although other terms, especially "prisoners" (*captives*) came to designate those who were newly enslaved as chattel in the traditional sense, there was no abandonment of the traditional terms from the honorific concept of slavery.

or to worldly slavery as a penance with salvational potential. Well after 1500, visitors to Russia still recorded inhabitants as describing themselves as servants and slaves. Muscovite magnates claimed the exclusive right to be called the sovereign's slaves. At the same time, the very real degradations of enslavement were "God's scourge." Of course, alongside the narratives of glorious enslavement ran parallel narratives of glorious liberation and freedom. Eighteenth-century Italians or Britons, "redeemed" from Muslim corsairs, were celebrities in elaborate public rituals that reenacted their salvation from social death to their restored status as free Christians.¹⁰

Earlier Roman laws' formulaic acknowledgment of man's natural liberty were likewise linked to later messages of physical and spiritual liberation drawn from biblical narratives. The *Qur'an's* analogous proclamation of freedom as man's natural status could be matched by Christian scholastic declamations, linking Gospel texts with natural law theory to demonstrate Christ's "perfect law of liberty" and the "natural liberty by which men are naturally free and not slaves." These extrapolations of both sacred slavery and holy freedom were clearly compatible with the continuation of slavery as an institution even where slavery had virtually vanished as a real social relationship. Medieval writers seemed "blind to the implications of their own Christian psychology when they related to problems of servitude and religious freedom." Even the English Common Law left open the question of captive slavery long after there were no longer any legally identifiable bondsmen in England.¹¹

Western Europeans began to shift the locus of their self-perceptions to the libertarian side of the equation by the end of the Middle Ages. Throughout much of western Europe, rural populations gradually and sometimes violently established their freedom from customary and heritable bondage. Early modern European legal traditions shifted property rights in both goods and labor to the individual, recognized as an independent contractual agent. Rural peasants, as well as elites, eliminated the positive valuation of slavery and grounded their claims to liberation in Christian teachings and general assertions of human dignity, liberty, and equality. When fifteenth-century

¹⁰ Bradley, *Slavery and Society at Rome*, 89; Richard Hellie, *Slavery in Russia 1450-1725* (Chicago: University of Chicago Press, 1982), *passim*; Marshall T. Poe, "A People Born to Slavery": *Russia in Early Modern European Ethnography* (Ithaca: Cornell University Press, 2000), 216-219; David A. Pelteret, *Slavery in Early Medieval England: From the Reign of Alfred until the Twelfth Century* (Rochester, NY: Boydell Press, 1995), 89; Robert C. Davis, *Christian Slaves, Muslim Masters: White Slavery in the Mediterranean, the Barbary Coast, and Italy, 1500-1800* (New York: Palgrave Macmillan, 2003), 176; Linda Colley, *Captives* (New York: Pantheon Books, 2002), 78-79.

¹¹ Brian Tierney, "Freedom and the Medieval Church," in *The Origins of Modern Freedom in the West*, R. W. Davis, ed. (Stanford: Stanford University Press, 1995), 94-95; and J. H. Baker, "Personal Liberty under the Common Law," in *ibid.*, 190.

peasants in Catalonia mobilized to demand an end to the “bad customs” of bondage, their argument was grounded in a notion of Christian liberation. Christ’s sacrifice did not just free humanity from original sin, but restored it to its original liberty. Using the Roman law analogy, naturally free human beings had not been enslaved by original sin, but by the law of nations. In Spain, bondage had been the outcome of a Christian holy war. During the reconquest of Spain, rulers purportedly inflicted servitude upon resisting Muslim inhabitants to induce them to convert. What had been only a temporary stimulus had abusively become, according to the peasant thesis, a sustained violation of natural law and of the divine precept that bound human freedom to Christianity.¹² Catalonian peasants thus offered a historical and Christian gloss to the famous abstract principle of Roman law: man was free by nature and slavery was legitimized only by the laws of nations. In such narratives, elaborated by elite scribes and invoked by late medieval peasants, Christianity was dissociated from servility.

Catalonian peasant claims for freedom grounded in natural and Christian liberty constituted no direct assault on the institution of slavery itself. The peasants’ argument was embedded in the specific history of the Christian reconquest of Iberia. The conquest narrative actually sustained the idea of slavery as appropriate for infidels. Servitude was the consequence, not of sin in general, but of specific unbelief. For peasants, as well as for crusading warriors, the premise of a frontier with mutually enslaving enemies legitimized slavery and rationalized its reproduction through a “just war” conquest. The peasants made their bid in terms of inclusion with fellow believers in the status of liberty. Their lords acknowledged that their servile exactions were “bad customs,” and finally accepted the premise that their Christian peasants were not slaves.

The general thrust of western European institutional and ideological development before 1500 was toward the recognition of the peasantry as part of the community of freemen. “Rustics, no matter how contemptible in the eyes of the elite could not be regarded consistently as alien in the same sense of infidels” or heretics. In this struggle to redefine the boundaries of servitude, the antagonists had neither motive nor need to proceed to more universal arguments. Their mutual narrative assented to the consensual premise that some are free and others slaves.¹³

Further to the north, in England, a similar consensus among native born inhabitants held that “contract lay at the heart of the relationship between

¹² Paul Freedman, *The Origins of Peasant Servitude in Medieval Catalonia*, (New York: Cambridge University Press, 1991), 191–192.

¹³ Paul Freedman, *Servitude*, 217; Compare with Charles Verlinden, “Orthodoxie et esclavage au bas moyen age,” *Melanges Eugène Tisserant* V (2) (Vatican: Biblioteca Apostolica Vaticana, 1964), 427–456.

the late medieval English servant and his or her employer.” All service fell along a spectrum of constraint from slavery and serfdom to free agency. Within the contract, freedom could still entail penal sanctions. Bond servants were subject to the authority of the lord and could be punished for failure to fulfill services to which they had freely assented.¹⁴

The rash of fifteenth-century English statutes enacted to curtail wage levels, decrease labor mobility, and enforce contracts against employees may have made the end of serfdom a mixed blessing for the workers in the short run. Masters could invoke public sanction for non-fulfillment of service from the Statute of Labourers in 1349 to the repeal of the Masters and Servants Act in 1875.¹⁵ “Unfree” labor, however, was not a form of slavery. Both slavery and serfdom in England were vacated, rather than abolished. The fact that slaves could no longer be identified in England by the end of the sixteenth century was to be more significant for the ending of Western slavery than the fact that masters continued to constrain freemen to labor.¹⁶

This overview of Mediterranean Islam and Western Christianity at the beginning of the era of European transoceanic exploration and expansion reveals already differentiated zones with regard to slavery. The general premise, on both sides of the religious line, was that the followers of Christ and Muhammed did not enslave their own believers. That principle, developed at an earlier point in Islamic law, had become roughly articulated through nearly a millennium of frontier conflict across and around the Mediterranean and the Black Sea. However, the religious frontier remained a porous one. The normative guidelines for the recruitment, maintenance, and manumission of slaves were frequently disobeyed.

In areas of Muslim rule, the principle of holy war (*jihād*) beyond the Islamicized line and non-enslavement within the line of Islamic domination both delimited and encouraged enslavement. Beyond the frontier of Dar al-Islam, non-Muslims were fair game for enslavement. Fulfillment of the Qur’anic admonition to open paths to manumission ensured a steady demand for fresh captives. On the other side of the religious line, analogous and similarly unevenly obeyed inhibitions had developed within

¹⁴ See Robert J. Steinfeld, *The Invention of Free Labor: The Employment Relation in English and American Law and Culture, 1350–1870* (Chapel Hill: University of North Carolina Press, 1991). At the point of contract, servant and master stood in a position of voluntary assent. P. J. P. Goldberg, “What was a Servant,” in *Concepts and Patterns of Service in the Later Middle Ages* (Boydell Press), 9–10.

¹⁵ See Robert J. Steinfeld, *The Invention of Free Labor*, and Steinfeld, *Coercion, Contract, and Free Labor in the Nineteenth Century* (New York: Cambridge University Press, 2001).

¹⁶ For a similar disappearance of slaves, except on galleys, in France before the mid-seventeenth century, see Sue Peabody, “*There Are No Slaves in France*”: *The Political Culture of Race and Slavery in the Ancien Regime* (New York: Oxford University Press, 1996), ch. 1.

Christian-dominated areas. Centuries of conflict and reconquest intermittently sharpened the fault line.¹⁷ Whether one looks upon them as slave societies or societies with slaves, the complex of slave laws, slave markets, and benefits accruing to slaveholders offered ample incitement for the perpetuation and extension of enslavement.

Muslims suffered enslavement to other Muslims in North Africa. Muslims were also offered by Muslims as slaves to Christians. In Iberia, the Valencian kingdom's legal code provided for enslavement as the penalty for free Mudejar (Muslims) found guilty of crimes ranging from attempts at unauthorized movement from the kingdom to failure to honor a civil contract for repayment of a debt. Muslims were allowed to pledge their own children as collateral, with obvious consequences for default. The presiding judge was often a Muslim *qādi* (judge). Those who violated the code of *shari'a* (holy law) through offenses that called for the death penalty could have their sentences commuted to slavery by the courts. Many convicts were redeemed by local co-religionists. Those enslaved for committing severe offenses against Mudejar mores, such as theft or adultery, were usually handed over for slavery.¹⁸

At the beginning of the early modern period, what most distinguished Iberia from northwestern Europe was the actual presence of slavery and a functioning slave law. In this respect, Spain more closely resembled other Mediterranean and later transatlantic slave societies than the Christian societies of northwestern Europe. Hispanic law, *Las Siete Partidas*, drawing from the Roman and Justinian slave codes, recognized birth, self-alienation, and especially war as valid grounds for enslavement. Like its predecessors, *Las Siete Partidas* recognized the natural freedom of human beings. In addition, it protected the marital bond, allowed appeals against abusers, and provided for punishing murderers of slaves and adjudicating slave appeals for a change of masters. It set general legal and moral boundaries for the institution and provided legal procedures for exiting from slavery via manumission. The Roman law principle that human beings were "naturally" free was interpreted by jurists to mean that, other things being equal, judges were to favor freedom.¹⁹ The code's primary purpose, then, was to rationalize, not abolish, slavery. As elsewhere, high rates of manumission meant further incentives for the slave trade.

The pervasive impact of the institution may be gauged by two incidents. At the end of the fifteenth century, Europeans were still being enslaved by other Europeans. This situation lasted, with diminishing frequency, for two more

¹⁷ Alphonse Quenum, *Les églises chrétiennes et la traite atlantique du xve au xixe siècle* (Paris: Karthala, 1993), 51.

¹⁸ *Ibid.*, 59.

¹⁹ Alejandro de La Fuente, "Slave Law," *Law and History Review* (2004), 22 (2): 356.

centuries. In terms of enslavability, Europe was not a single unit nor were its inhabitants a single unenslavable people. In 1370, at the heart of Latin Christianity, Pope Clement V proclaimed that captured enemy Venetians would be sold as slaves.

Further east, European slavers found alternatives whenever one or another source of captives dried up for religious or military reasons. When the enslavability of Orthodox Greeks by western Europeans became more uncertain, traders turned to Muslim Albanians, Bosnians, and Bogamils. Well into the seventeenth century, Christian Russians, Moscovites, Lithuanians, and Poles were still enslaving each other's war captives. Prisoner exchanges of Russians with Poles and Lithuanians became the rule only in the second quarter of the seventeenth century. Within the rapidly expanding empire of Muscovy, voluntary self-enslavement allowed masters to own and sell Orthodox Christians without endangering the souls of these slaves. Russian slavery shared some characteristics of its Muslim neighbors to the South and East. Slave soldiers on the Muslim model were recruited until the mid-sixteenth century.²⁰

The concept that Eastern Orthodox Christians were more susceptible to servitude remained current among Europeans well into the period of transatlantic colonization. During the English occupation of Tangier in the 1670s, the Royal Navy captured a Moorish vessel. The commander sold the Negro captives on board and kept the Greeks for use as oarsmen in English galleys.²¹ At the same moment, Jean-Baptiste Colbert was issuing instructions in the name of Louis XIV to transfer captured Greek galley slaves to French vessels. In the view of the French minister, the captives were schismatic subjects of the Ottoman ruler.

Within western Europe itself, the possibility of enslaving heretics was raised by the emergence of Protestantism. In response to the Dutch uprising against Phillip II, Balthasar de Ayala, jurist of international law, advocated placing the rebels beyond the pale of Christian liberty. In *De iure et officis bellicis*, published in the Netherlands in 1582, he invoked biblical injunctions to cast the rebels within the orbit of Holy War penalties. Heresy was to be allowed no quarter. Those who were not consumed in "fire and blood" could be deprived of their possessions and enslaved.²²

Sixty years later, the English Civil War stimulated similar responses. The Earl of Stamford proposed that royalist military prisoners who refused to join the Parliamentary forces be sold to the Barbary pirates as slaves. Oliver Cromwell himself threatened Scots and Irishmen with enslavement

²⁰ Richard Hellie, *Slavery in Russia*, 39.

²¹ Aylmer, "Slavery under Charles II," *English Historical Review* (1999), 114 (456): 378–388, p. 381.

²² Cited in Geoffery Parker, *Success is Never Final* (Basic Books, 2002), 139–140.

if they continued their resistance.²³ Neither Phillip II nor Cromwell ever reduced their opponents to chattels, but the intermittent wartime discourse on enslavability suggests that western Europeans of the sixteenth and seventeenth centuries had by no means been converted to the notion that all fellow Europeans or fellow Christians were exempt.

In assessing the boundaries of early modern enslavement in Europe, the Jewish diaspora offers an interesting perspective on the cultural and geographical boundaries of the institution. Throughout the Mediterranean, Jews were at best tolerated minorities in a world defined primarily by religion. The most significant moment in the history of early modern European Jewry came near the end of the fifteenth century. In 1492, Spanish Jewry, comprising the largest single Jewish population in Europe, were offered a choice between conversion to Christianity, expulsion, and death. Significantly, the options considered by the Spanish rulers did not include enslavement. Ferdinand and Isabella certainly did not decide against enslavement on the grounds that Jews were fellow European residents. Muslims in Spain were still among the legally enslaved population within their domains. The Spanish monarchs did not opt for the forcible enslavement of Jews for the same basic reason that had made them decide in favor of expulsion. They feared that the large number of “Conversos,” (Jews already converted to Christianity), would be tempted by the unconverted to retain their Jewish practices and affiliations. More enslavement might only exacerbate religious contamination and pollution of “the blood.”

Mass enslavement, however, clearly remained within the policy range of Iberian monarchs at the end of the fifteenth century. This was demonstrated almost immediately after the Spanish expulsion of the Jews. The Portuguese king placed a price on each Jewish refugee fleeing from Spain. Large numbers of refugees, however, too poor to pay, illegally crossed the border. King Joao then declared the defaulting Jews to be his slaves. In neighboring Spanish Valencia, enslavement for such default was already an ongoing practice among non-Christians. The Portuguese king’s enslavement of the Jewish migrants was not symbolic. Thousands of Jewish children were quickly seized from their parents and shipped off to create a new colony off the coast of Africa in Sao Tomé. Five years later, under Spanish pressure, the remaining refugees in Portugal were forcibly converted. Children were again seized en masse and used as hostages in the coercive process.

Jewish texts themselves tell us as much about the range and limits of Mediterranean slavery beyond Iberia. Early in the seventeenth century, Leone da Modena’s book on Jewish religious practices, *Historia dei riti Ebraicé*, devoted a brief chapter to slavery. In the “*Levant or Barbary*,” he noted, Jews held and sold slaves, “according to the custom of the place

²³ Charles Carlton, *Going to the Wars: The Experience of the British Civil Wars 1638–1651* (London: Routledge 1992), 253.

in which they live.”²⁴ This was a traditional extension of the Halachic principle, that the “law of the land is the law” in all non-religious matters. He made no mention of the institution among the small pockets of Jewry in Europe.

Equally useful in this respect are the texts analyzed by Jonathan Schorsch to describe the institutional practices of post-expulsion Sephardic Jewry and of later “New Christians,” as they made their way back into southern Europe. In areas with a clearly functioning institution of slavery, Sephardic Jews negotiated to retain the right to enter territories with their slaves and to retain them. This was mainly because Italian slave codes contained restrictions against the ownership of slaves by Muslims or Jews.²⁵ The grants of residency explicitly set aside their prohibitions on Jewish slave ownership. Communal pacts with Ferrara, Florence, Savoy, Pisa, and Livorno contained such exemptions.

North of the Alps, whether under Catholic or Protestant rule, some charters issued to Jews mentioned their right to bring or own slaves. When the English considered allowing Jewish reentry in the 1650s, however, the rules on servants contained only a prohibition against hiring Christians as domestic servants. In Northern Germany, the city of Glückstadt offered only permission to hire free servants.²⁶

Because nothing in seventeenth-century Jewish law prohibited the ownership of slaves, the regional variations are to be attributed to differences in the dominant “law of the land.” Jews were not allowed to sustain slave ownership within any state where it no longer existed. The North/South distinctions in slaveholding among Jews thus coincided with the actual presence or absence of slave law in a given European polity. By the time of the Spanish expulsion at the end of the fifteenth century, the Mediterranean and northwestern zones of Europe had clearly taken divergent paths.

During periods of violent crisis and revolution, even northwestern European rulers and jurists could still imagine enslavement as a potential threat against rebels and enemies. In practice, however, they did not turn to the expedient of reinstating hereditary slavery within their realms. Spain and Portugal continued slavery at home, as well as overseas, for almost two centuries before the beginning of northwestern European colonization. As we shall see, this European division would become a source of tension when overseas Christian masters brought their personal slaves across to Europe. All colonizing metropolises that did not explicitly sanction slavery at home

²⁴ Leone da Modena, *History of the Present Jews Throughout the World* [*Historia dei riti Ebraïci*] (London, 1650). See also Jonathan Schorsch, *Jews and Blacks in the Early Modern World* (New York: Cambridge University Press, 2004), 174–175.

²⁵ Steven Epstein, *Speaking of Slavery: Color, Ethnicity and Human Bondage in Italy* (Ithaca: Cornell University Press, 2001), 157.

²⁶ Schorsch, *Jews and Blacks*, 53–63.

were to experience some tension in sustaining the distinction between slavery abroad and non-slavery at home.

This forecast the significance of the presence or absence of slave law, institutions, and enslaved people in the long term fate of the institution of slavery. Colonizing northern European states would have to adapt to new overseas variations of the institution. Along the Mediterranean lay the traditional counterparts of Christian-Muslim slavery. The doctrines of *jihād* and Holy War, with their unchallenged justifications of infidel enslavement, contributed to an unbroken institutional linkage of enslavability. In one respect, slavery was, therefore, more ubiquitously embedded in the fabric of Muslim societies than in northwestern European societies by the early sixteenth century.

Here, one can use Moses Finley's analytical emphasis on the critical location of slaves in a given society. Early modern Mediterranean slavery was more important to the centers of power and wealth in the Maghreb and the Ottoman Empires than to European rulers and elites. The sixteenth-century Ottoman Empire, like many of its predecessors, recruited soldiers, administrators, sexual partners, and heirs from among captive infidels. In the western Mediterranean, Muslim rulers and merchants relied upon slaves as principal sources of both wealth and power.²⁷ At the western edge of Islam, Christian captives played a vital role in the economies and societies of the North African states. Many of their enslaved population were obtained as military captives from sub-Saharan Africa or Eastern Europe. Others were victims of piracy and raids on the shores of lands inhabited by Europeans. Slaves thus contributed heavily to the labor and capital of the Maghrebian and Ottoman lands. Many were held for resale and ransom. Others were fit into varied niches of the local economy and domestic households. The rulers and upper layers of society on the Barbary coast appear to have been even more dependent upon slavery as a source of revenue than were their European and Ottoman counterparts.

As a wealth-and-power generating enterprise, corsair fleets of North Africa, like those of the later New World plantations, required continuous replenishment. Corsairs needed rowers to power their fleets, and captives to elicit ransoms from their captives' kin, communities, or rulers. As ransom payments became more important to the Maghrebian economy relative to the value of permanently retained slaves, their rulers were especially eager to exchange elite captives for ransom. Maghreb ports were culturally more cosmopolitan than those on the Mediterranean's northern shore. Algiers' 40 percent native Maghrebians were embedded in a larger cohort of slaves, refugee families, janissaries, renegades, and mixed offspring, which probably could not have been matched for diversity by any European port

²⁷ Y Hakan Erdem, *Slavery in the Ottoman Empire and its Demise* (New York: St. Martin's Press, 1996), ch. 1 and 2.

of the sixteenth and seventeenth centuries. Slaves in the Muslim world were drawn from all frontiers of Islam: sub-Saharan Africa; trans-Mediterranean Western Europe; the Balkans; the non-Muslim hinterlands beyond the Black Sea; the Caucasus region; and Central Asia. The proportion of slaves going to and coming from each area varied with the military situation of Islam relative to the *Dār al-Harb* – the abode of war. If one extrapolates from Ralph Austen’s estimates of slave imports to Lybia and Egypt, the North African tier of Islam was probably receiving 6,000 Africans a year from across the Sahara in the early modern period. During periods of rapid expansion, like that of the Ottomans in the fifteenth and sixteenth centuries, conquest brought huge surges of captives directly into the slave markets of the empire. The sack of Mahon in Minorca in 1534 produced 6,000 slaves. After its fall, the entire population of Lipari, amounting to 12,000 souls, was boarded for the slave markets. Between such extraordinary flows, a steady stream of enslaved captives moved northward from sub-Saharan Africa.²⁸

Whatever the relative proportions of slaves distributed among the wide range of Muslim occupations – domestics, artisans, agricultural laborers, concubines, soldiers, and eunuchs – it is apparent that slavery was as deeply embedded in Islam in 1500 as it had been three-quarters of a millennium before. However modulated the pronouncements on good treatment in the *Qur’an*, the enslavability of unbelievers, particularly “pagans” (*mushrikūn*), was an implicit assumption for most of the Islamic commentators.²⁹ Muslims were also frequently captured by other Muslims, and turned up in slave markets. Some of the most troubled thought in Islamic literature was stimulated by the frequent enslavement of fellow Muslims. This perspective was not restricted to captives at Islam’s frontiers. Although sixteenth-century slaves in Anatolia were usually Russians or Ukrainians, the chief legal counsel during the Ottoman-Iranian wars of Süleyman the Magnificent declared that heretical Shiites should not be regarded as Muslims. Those so denounced were frequently enslaved, and those who were enslaved were denounced as infidels at the time of capture.³⁰

Of course, slaves could be and were much more than “property with a voice” (*mal-i-natik*). “A lowly government official who became a wazir

²⁸ Jacques Heirs, *The Barbary Corsairs* (2001), 196. Hunwick, “Black Slaves in the Mediterranean World,” in *Slavery and Abolition*, 11.

²⁹ See Ralph Austen, “The Mediterranean Islamic Slave Trade out of Africa: A Tentative Census,” in *Slavery and Abolition* 13:1 (1992), 214–248 and “The 19th Century Islamic Trade from East Africa (Swahili and Red Sea Coasts): A Tentative Census,” in *Slavery and Abolition* 9:3 (1988), 21–44.

³⁰ William Gervase Clarence-Smith, *Islam and the Abolition of Slavery* (Oxford: Oxford University Press, 2006), 42–45; Humphrey J. Fisher, *Slavery in the History of Muslim Black Africa*, (New York: New York University Press, 2001), ch. 1, 29; and (Surauja Faroghi, *Subjects of the Sultan: Culture and Daily Life in the Ottoman Empire* (London: I. B. Taurus, 2000), 63.

narrated his metamorphosis in the passage of a single night's sleep from possessing nothing the day before freedom to awakening the owner of horses, mules, camels, property (māl), and slaves. (mamālik)."³¹ But, in the social and legal world of Islam they all shared the vulnerability of a liminal condition. Unlike free residents who could appeal to networks of family, locality, or community, slaves had only the law to reinforce their claims. Freedmen who prospered as slaveowners inevitably perpetuated the institution that opened the path to their own mobility. In every major power center in Islam, the elite were the principal, but not the exclusive owners of the slaves in their midst.³² Consensually, then, the institution was sanctioned by the the *sharī'a* of Islam, as well as by the Roman law of all nations. Wherever one places them along the spectrum of slave societies to societies with slaves, a society without slaves never emerged in the Muslim states before the mid-nineteenth century.³³

In sub-Saharan Africa, the institution was distinctive in a different way. When the Europeans first entered into direct and continuous contact with sub-Saharan societies during the fifteenth-century, they immediately grasped the importance of slavery as an institution beyond the frontier of *Dār al-Islam*. Finley's characterization of slavery's place in Greco-Roman antiquity holds equally true for much of tropical Africa: "there was no action or belief or institution that was not affected by the possibility that someone involved might be a slave." John Thornton concludes that the distinctiveness of African legal traditions is crucial in analyzing Euro-African relations. In contrast to Europe, "slaves were the only form of private, revenue-producing property recognized in African law."³⁴ By contrast, in early modern Europe, the primary form of revenue-producing property was land.

Lauren Benton, in an extensive survey of world legal systems, has countered that Thornton exaggerates the differences and overlooks the similarities between the two legal systems. In her perspective, it "is not clear that the *concept* of ownership in many African kingdoms was radically different from what it was in *Las Siete Partides* in Iberia." If African nobles ultimately derived their rights and wealth from positions in the state,

³¹ Shaun E. Marmon, "Domestic Slavery," in *Slavery in the Islamic Middle East*, Shaun E. Marmon, ed. (Princeton: M. Wiener, 1999), 10.

³² Seng, "A Liminal State," in *Slavery in the Islamic Middle East*, Shaun E. Marmon, ed. (1999), 25-42.

³³ Hunwick, "Black Slaves in the Mediterranean World: Introduction to a Neglected Aspect of the African Diaspora," in *Slavery and Abolition*, 13:1 (1992), 5-38. Lewis, *Race and Slavery*, ch. 8; and John R. Willis, ed., *Slaves and Slavery in Muslim Society*, 2 vols. (London: F. Cass, 1985), I, 27-46.

³⁴ Finley, *Ancient Slavery*, 65; and John Thornton, *Africa and the Africans in the Making of the Atlantic World* (New York: Cambridge University Press, 1992), 74.

“the holders of captaincies and *encomenderos* in the Atlantic islands and the Americas derived their powers over native laborers in the same way.”³⁵

Whether or not the concept of ownership was analogous, Benton’s argument overlooks the fact that the *encomienda* system was introduced by the Spanish monarchy as an alternative to allowing European settlers to legally treat the natives of the New World as enslaved chattels. Thornton’s argument, focusing on the relative value of African property in persons in relation to property in land, attempts to account for “the remarkable speed with which the continent began exporting slaves” as soon as the first seaborne contact occurred between Europeans and sub-Saharan Atlantic Africa. Europeans directly tapped into the long-standing trans-Saharan trade and diverted some of the internal African trade to the Atlantic.³⁶ The reverse certainly did not occur regularly. Despite the deportation of children to São Tomé in the 1490s and convicts to other overseas areas for four centuries thereafter, Europeans and North Africans did not replicate this pattern.

Thornton’s fundamental point bears pondering. Slavery was rooted in the legal, institutional, and economic structure of many societies. In sub-Saharan Africa, however, slaves were the principal form of capital. Their enslavement and exchange were linked to the most dynamic segments of the African economy.³⁷ The possession of such captives was, as in many Muslim societies, an efficient way of increasing power and status. Slaves could be acquired in wars or raids without having to permanently occupy territory. Within Africa they were placed in all sectors of the economy: as agricultural laborers, recruits for the military, and carriers of other commodities on commercial routes. Warrior states relied heavily on enslaved armies and slave administrators to keep regional nobilities in check and to sustain revenue flows by creating kin-free loyalties centered on imperial thrones. As an institution, slavery may well have been as important in sub-Saharan political and economic systems as it was in the Muslim societies to the North.³⁸

Benton, however, perceptively calls attention to institutional similarities of slavery in Africa and Mediterranean Europe. As indicated earlier, enslaving captives was an ordinary feature of Mediterranean cross-raiding for centuries before and after 1500. Whatever the differences in proportions of human and non-human sources of wealth and revenue, African and Iberian mechanisms of judicial enslavement co-existed through centuries of

³⁵ Compare Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History* (New York: Cambridge University Press, 2002), 49–52; and Thornton, *Africa*, 72–88.

³⁶ Thornton, *Africa*, 95–96.

³⁷ *Ibid.*, 74–86, and 107.

³⁸ *Ibid.*, 90, 108.

Euro-Mediterranean and Euro-African contact.³⁹ The magnitude and pervasiveness of slavery as an institution that extended from Aragon to Angola, and from Madeira to Malacca was only enhanced in the European imagination by European global exploration.

Boundaries and Opportunities c. 1500

Generations of scholars have identified slavery as a loss of status and identity, not a loss of humanity. The loss always involved a dramatic removal of the protections afforded by family, kin, community, or nation.⁴⁰ Understanding the boundaries and limitations of enslavement, as David Eltis and others have shown, is crucial in analyzing the comparative evolution of early modern slavery. In every society with slaves, it was necessary to distinguish between those ordinarily eligible for enslavement from those who were not.⁴¹ Even within Europe, resident “insiders” could be enslaved in 1500. Sixteenth-century Russian masters developed a myth of spurious difference between themselves and their slaves, but Russian law also clearly recognized that slaves within the Muscovite realm were resident members of the community of the Orthodox Christian faithful who had voluntarily entered the status. At the other end of Europe, in fifteenth-century Valencia, legitimizing an enslavement entailed a formal acknowledgement from the slaves that they had been obtained by capture or had voluntarily placed themselves in a situation of indebtedness, leaving themselves or their children exposed to enslavement. In South Asia, voluntary enslavement was also widespread. In some African societies, shared ethnicity and culture “might even mean an increased acceptability for enslavement given the focus on kin groups and their expansion through absorption of outsiders.”⁴²

Nevertheless, during the millennium before 1500, the trend towards the non-enslavability of ones own co-religionists tended to broaden along with the expansion of the Christian and Islamic worlds. Over time, religious goals with universalizing aspirations and claims of spiritual equality expanded the community of believers who could not be enslaved. In areas of greatest cultural and religious diversity, in central Eurasia and sub-Saharan Africa, there was no decrease in vulnerability to enslavement.

³⁹ Benton, *Law*, 58.

⁴⁰ *Slavery in Africa: Historical and Anthropological Perspectives*, Suzanne Miers and Igor Kopytoff, eds. (Madison: University of Wisconsin Press, 1977); Claude Meillassoux, *The Anthropology of Slavery: The Womb of Iron and Gold* (Chicago: University of Chicago Press, 1991) Miers & Kopytoff, 1977.

⁴¹ David Eltis, *The Rise of African Slavery in the Americas* (New York: Cambridge University Press, 2000), 59.

⁴² *Ibid.*, 89; see also the emphasis of Miers and Kopytoff, “African Slavery as an Institution of Marginality,” in *Slavery in Africa*, ch. 1.

By 1500, most settled populations in northwestern Europe were no longer legitimately enslavable within their own region. Elsewhere, outsiders were at greater risk in situations of upheaval, conflict, or catastrophe. Even northwest European Christians living on their own coasts could still be transformed into slaves. Europeans abroad shared a condition of vulnerability with Afro-Asians. Ex-Christian Barbary corsairs (“renegades”) even specialized in the enslavement of their own countrymen. Whether such renegades literally returned to the sites of their birth and kin, many of the most successful renegade *re’is* brought both their seafaring knowledge and familiarity with local geography to bear on their fellow Christians.

The fact that these corsairs spent their lives crossing the frontiers between culture and status demonstrates the incompleteness of the boundaries of enslavement in 1500. Escape from slavery through flight homeward or assimilation and manumission were only two points on a spectrum of reactions to the precipitous imposition of degraded status and extreme vulnerability. Some who began as enslaved freemen ended up as slavers. When renegade corsairs waged warfare on Christian ships, a portion of their able-bodied captives were recruited to join their captors. Instability of loyalties was a common cultural trait of Mediterranean seamen and corsairs. If one then fell back into the hands of Christian authorities, a recaptive might claim that he had converted only under duress. The stakes were high. Those who could not convince their judges (often the Inquisition) about the insincerity of their shift of loyalties to their former captors would most likely find themselves once again chained to the oars of a galley.

One should not make too much of these dramatic cultural transgressions and shifts in status. It is unlikely that more than a very small portion of those who were seized and enslaved were able to make double or triple border crossings between slavery and freedom. Using the estimates of Europeans taken into captivity in Barbary, the 3 to 4 percent rate of ransom and escape pales before the 17 percent mortality rate of those who died as slaves, even setting aside the fatalities entailed during violent capture. Among those captives who were launched further afield – across the Atlantic, the Sahara, or the Indian Ocean – only a minuscule number probably ever returned to their homes.⁴³

In the Muslim world, black Africans who lived in the extensive border region between the abodes of peace and war were also at risk of enslavement or re-enslavement. Their fate frequently engaged the attention of *Shari’a* legal authorities. If a group was known to have converted to Islam, taking its members captive was explicitly forbidden. If, however, there were doubts about the legitimacy of enslavement, some interpreters gave the benefit to the

⁴³ Robert C. Davis, *Christian Slaves Muslim Masters: White Slavery in the Mediterranean, the Barbary Coast and Italy, 1500–1800* (New York, Palgrave Macmillan, 2003), 20–21.

dealer. Others insisted that the burden of proof lay upon the traders. Black Muslim rulers continued to complain about the misuse of *jihād* against their subjects. The problem persisted for nearly half a millennium after 1500.⁴⁴

Northwestern Europe

Further north, on the shores of Christian Europe, “the illicit sale of black Muslims by white Muslims to Christians was a common practice on the Maghribean coast at the end of the fifteenth century.”⁴⁵ By contrast, northwestern Europe was an anomaly. By the beginning of the sixteenth century, servile obligations that had succeeded slavery had yielded to contractual systems of labor. The presumption of personal rights was more clearly vested in European individuals.⁴⁶ Insofar as northwestern Europeans recognized the anomaly, however, they continued to think of their situation as peculiar to their own region. Although a mid-sixteenth-century English Parliament unsuccessfully attempted to legislate branding as punishment for vagrant laborers, there was widespread awareness among the English that hereditary bondage had been reduced to virtual non-existence.⁴⁷ Chattel slavery had largely disappeared within most of the region north and west of the Alps. By the middle of the sixteenth century, Sir Thomas Smith observed that even the villeins of England to “be so few that it is almost not worth the speaking.” In 1593, William Harrison not only denied the existence of English bondsmen but claimed that “such is the *privilege* of our countrie by the *especiall* grace of God, and bountie of our princes, that if any come hither from other realms, so soone as they set foot on land they become so free of condition as their masters, whereby all note of servile bondage is utterlie removed from them.”⁴⁸ Most writers who made similar observations merely

⁴⁴ Bernard Lewis, *Race and Slavery in the Middle East: An Historical Enquiry* (New York: Oxford University Press, 1990), 57–59; Mohammed Ennaji, *Serving the Master: Slavery and Society in Nineteenth-Century Morocco* (New York: St. Martin’s Press, 1999), ch. 6, 7.

⁴⁵ Debra Gene Blumenthal, “Implements of Labor, Instruments of Honor: Muslim, Eastern and Black African Slaves in Fifteenth-Century Valencia” (PhD thesis, University of Toronto, 2000), 421, n. 951.

⁴⁶ Eltis, *Rise of African Slavery*, ch. 1 and pp. 61–83; and Eltis, “Europeans and the Rise and Fall of African Slavery in the Americas: an Interpretation,” in *American Historical Review* 98 (1993), 1399–1423, esp. 1422–1423.

⁴⁷ C. S. L. Davies, “Slavery and Protector Somerset: The Vagrancy Act of 1547,” in *Economic History Review* 1–3 (1966), 533–549.

⁴⁸ See *Origins of Modern Freedom*, Davis, ed. 13. To late Medieval English commentators, it was easy to imagine men as free in one place and slaves in another, or servile in relation to one person and free in relation to all others: “A man can be noble and non-noble at the same time . . . witness the case of English gentlemen taken in the kingdom of France, who while they are in the hands of the enemy are their slaves and captives; in England they remain free and noble as they were before.” Upton, *De Officio Militari* E. Bysshe, ed. (London, 1654), 3–4.

noted it in passing. As late as the end of the eighteenth century, Adam Smith could only comment, “the time and manner, however, in which so important a revolution was brought about, is one of the most obscure points in modern history.” This national “free soil” concept reverberated in English self-portraiture throughout the seventeenth and eighteenth centuries. It is juridically an extension to the countryside of a principle formulated by medieval communes whereby the “free air” of cities was declared incompatible with bondage.

Across the English Channel, the “freedom principle” was invoked by Continental jurists with equal pride.⁴⁹ Further south, islands of freedom might be designated even within kingdoms where slave laws were still enforced. According to the terms of certain thirteenth-century capitulations in Iberia, fugitive Muslim slaves of the Vall de Uxó (*moros de la Vall*) could not be held captive once they reached their native communities in Spain. Other Muslims in Spain fled southward to Granada before 1492 and, thereafter, with somewhat greater difficulty, to North Africa. For black non-Muslim African slaves in late fifteenth-century Spain, however, the favored direction of flight was toward the Pyrenees to France and Navarre. In 1495, a recaptured black slave told his captors that he had been convinced by other slaves that if he reached French territory, a few days of residence would confer freedom. He offered this testimony in a Spanish court because he had been informed that such freedom was irreversible, even if he returned to Spain.⁵⁰

The northern Netherlands boasted similar legal traditions. When a Portuguese ship with 130 slaves aboard was brought into the Dutch harbor of Middleburg in 1596, the town council decided to prohibit sale of its cargo and to release the captives “into their natural liberty.” Pieter Emmer speculates that this might not have done most of the freed slaves much good. They “would undoubtedly have been taken straight to the market in Antwerp” in the Spanish Netherlands a few miles south, where slaves were regularly bought and sold. Nevertheless, when another Dutch ship captured a Portuguese slaver ten years later, the captor sold its cargo to the vessel of another nation because it was impossible to sell slaves in the

⁴⁹ See *ibid.*, 191, and Seymour Drescher, *Capitalism and Antislavery: British Mobilization in Comparative Perspective* (New York: Oxford University Press, 1987), 15 and 172–173, n. 31. On the creation of a double spatiotemporal border between Europe and the rest of the world, see Kathleen Davis, “Sovereign Subjects, Feudal Law, and the Writing of History,” *Journal of Medieval and Early Modern Studies* 36:2 (2006), 223–261. By the early eighteenth century, the Spanish Netherlands seemed to have aligned themselves with the “free principle” zone of their neighbors: “The Slaves which the *Spaniards* bring with them into *Flanders* are Free upon their arrival, as has been adjudged by the Grand Council of State at Mechlin.” (Quoted in *Afer Baptizatus: or, the Negro Turn’d Christian* (London, 1702), p. 44.)

⁵⁰ P. C. Emmer, *The Dutch Slave Trade, 1500–1850*, Chris Emery, trans. (New York: Berghahn Books, 2006) and S. Drescher, *Capitalism and Antislavery* (New York: Oxford 1986), 172–173, n. 31. Blumenthal, “Implements,” 42, 404–405.

Netherlands. The Dutch States-General seems to have agreed. It instructed all Dutch seamen who acquired Barbary Muslim captives to unload them in Mediterranean ports.⁵¹

By 1500, the French juridical tradition and the French courts had nationalized earlier urban freedom principles. France, too, could contain no slaves. The French jurist Jean Bodin treated it as a matter of historical record that when slaves reached his country, they were free. Bodin drew a theoretical regional line between slave and free soil. Slavery existed throughout the world “excepting certain countries in Europe.” The border was historical as well as geographical. In Europe, he claimed, especially in France, slavery had once existed and then vanished. It was the sixteenth-century Portuguese and Spanish who threatened to erode the line and Europe’s distinctiveness by expanding the institution both overseas and within Europe itself.⁵²

Slavery was given slightly freer rein when reason of state dictated. To accommodate Muslim slaves on French galley ships, the free soil principle was shaved: “Any man who once touched the lands of the kingdom is free.” wrote an official of the French King’s Navy. Galley service, was exempt from the principle, however, “because they [slaves] are bought in foreign countries, where this kind of trade is practiced.” Another official suggested to French minister Colbert a policy of purchasing a full assortment of Greeks, Albanians, and Russians at Istanbul. That was deemed permissible because Tartars beyond the Black Sea had sold them to the Turks.⁵³ Implicitly, slavery, although defunct in the metropolis, was not abolished at or beyond the shoreline where most galley slaves would spend the bulk of their lives, chained to the oars in a middle passage without end. Between the lines of these bureaucratic memos, one easily senses Northern Europeans trying to come to terms with an intruding world of slavery in which they were only occasionally involved.

In 1500, most of the world was still deeply invested in the institution of slavery, but all areas were not involved in the same way. Africa, Eurasia, and the Mediterranean, all harrowed by active agents of enslavement, were also all dependent upon slavery. If the brutality and degradation by slavers or the resistance of the enslaved had been the principal cause of antagonism to the institution, these very areas should have been the breeding grounds

⁵¹ See Peabody, “*There Are No Slaves*,” 4–5; Seymour Drescher, “The Long Goodbye: Dutch Capitalism and Antislavery in Comparative Perspective,” in *From Slavery to Freedom: Comparative Studies in the Rise and Fall of Atlantic Slavery*, 196–224, esp. 204–205; and Allison Blakely, *Blacks in the Dutch World: The Evolution of Racial Imagery in a Modern Society* (Bloomington: Indiana University Press, 1993), 226. For links of popular antislavery to pre-modern developments in western European religious and civic struggles, see Robin Blackburn, *The Overthrow of Colonial Slavery 1776–1848* (London: Verso, 1988), 36–41.

⁵² Peabody, “*There Are No Slaves*,” ch. 1.

⁵³ André Zysberg, *Les Galériens: vies et destinés de 60,000 forçats sur les galères de France, 1680–1748* (Paris: Editions du Seuil, 1987), 59.

for nascent antislavery. Yet, they were not. Rather, they were locked into an institutional system of raid and trade. Slaving ebbed and flowed in magnitude, but without any prospect of termination. The pervasiveness of the system delimited its residents' imaginations as well. Even in the European region, where it was no longer a fact of everyday life, the institution's absence registered itself as an exception to the rule. Especially for Europeans venturing beyond their frontiers and for rulers and merchants launching overseas adventures, the world beyond Europe seemed a predatory world exacerbated by interminable conflict.