

ever we may think of him as a man, deserves our gratitude for the just and liberal sentiments he expressed respecting the slaves, who, he says, should be treated as "humble friends," and especially for his energetic reprobation of gladiatorial combats and of the brutality of the public who enjoyed those sanguinary shows. But it was in the 2d century, as we have said, that "the victory of moral ideas" in this, as in other departments of life became "decisive." . . . Dio Chrysostom, the adviser of Trajan, is the first Greek writer who has pronounced the principle of slavery to be contrary to the law of nature" (Mark Pattison). And a parallel change is found in the practical policy of the state. The military vocation of Rome was now felt to have reached its normal limits; and the emperors, understanding that, in the future, industrial activity must prevail, prepared the abolition of slavery as far as was then possible, by honouring the freedmen, by protecting the slave against his master, and by facilitating manumissions. The jurists who, in the absence of a recognized spiritual power, provisionally discharged in their own way the office of systematizing practical morals, modified, by means of the useful fiction of the *ius naturale*, the presumptions of law and the interpretation of doubtful instruments. ("Quod ad jus naturale attinet, omnes homines aequales sunt"—Ulpian. "Servitus est constitutio juris gentium, qua quis dominio alieno contra naturam subicitur"—Florentinus.) The general tendency both of the imperial constitutions and of the maxims of the legists is in favour of liberty. ("Nec ignotum est quod multa contra juris rigorem pro libertate sint constituta"—Ulpian.) The practices of exposure and sale of children, and of giving them in pledge for debt, are forbidden. An edict of Diocletian forbade a free man to sell himself. Manstealers or kidnappers (*plagiarii*) were punished with death. The insolvent debtor was withdrawn from the yoke of his creditor. While the slave trade was permitted, the atrocious mutilation of boys and young men, too often practised, was punished with exile and even with death. In redhibitory actions (for the annulment of sales), if a slave were returned to the seller, so must also be his parents, brothers, and *personæ contubernio conjunctæ*. In the interpretation of testaments it was to be assumed that members of the same family were not to be separated by the division of the succession. The law also favoured in special cases the security of the peculium, though in general principle it still remained the property of the master. The state granted to public slaves the right of bequeathing half their possessions; and private persons sometimes permitted similar dispositions even to a greater extent, though only within the familia. Hadrian took from masters the power of life and death and abolished the subterranean prisons. Antoninus Pius punished him who killed his own slave as if he had killed another's. Already in the time of Nero the magistrates had been ordered to receive the slave's complaint of ill-treatment; and the *lex Petronia*, belonging to the same or an earlier period, forbade masters to hand over their slaves to combats with wild beasts. Antoninus directed that slaves treated with excessive cruelty, who had taken refuge at an altar or imperial image, should be sold; and this provision was extended to cases in which the master had employed a slave in a way degrading to him or beneath his character. M. Aurelius gave to masters an action against their slaves for any cause of complaint, thus bringing their relation more directly under the surveillance of law and public opinion. A slave's oath could still not be taken in a court of law; he was interrogated by the "question"; but the emperors and jurists limited in various ways the application of torture, adding, however, as we have mentioned, to the cases in which it could previously be appealed to that of the crime of *majestas*. For certain alleged offences of the master the slave could bring an action, being represented for the purpose by an *adsertor*. Emancipation was facilitated; some of the old formalities were dispensed with; obstacles to it were removed, and legal difficulties solved in such a way as to further it. The power of imposing conditions on testamentary manumissions was restricted, and these conditions interpreted in the sense most favourable to freedom. The emperor could confer liberty by presenting a gold ring to a slave with the consent of the master, and the legal process called *restitutio natalium* made him a full citizen. It was decided that liberty could not be forfeited even by a prescription of sixty years' duration.

The rise of Christianity in the Roman world still further improved the condition of the slave. The sentiments it created were not only favourable to the humane treatment of the class in the present, but were the germs out of which its entire liberation was destined, at a later period, in part to arise. It is sometimes unreasonably objected to the Christian church that it did not denounce slavery as a social crime and insist on its immediate abolition, that on the contrary it recognized the institution, ecclesiastical persons and societies themselves being owners of slaves. We have seen that slavery was a fundamental element of the old Roman constitution, not only incorporated with the laws, but necessarily arising out of, and essential to, the military mission of the state. When the work of conquest had been sufficiently achieved, it could not be expected that a radical

alteration should be suddenly wrought either in the social system which was in harmony with it, or even in the general ideas which had grown up under its influence. The latter would, indeed, be gradually affected; and accordingly we have observed a change in the policy of the law, indicating a change in sentiment with respect to the slave class, which does not appear to have been at all due to Christian teaching, but to have arisen from the spontaneous influence of circumstances co-operating with the softened manners which were inspired by a pacific régime. But the institution itself could not be at once seriously disturbed; it was too deeply rooted and too closely bound up with the whole existing order of things. If it could have been immediately abolished, the results must have been disastrous, most of all to the slave population itself. Before that end could be accomplished, an essentially new social situation must come into existence; society must be organized for defence as it had previously been for conquest; and this transformation could not be wrought in a day. But in the meantime much might be done towards further mitigating the evils of slavery, especially by impressing on master and slave their relative duties and controlling their behaviour towards one another by the exercise of an independent moral authority. This was the work open to the Christian priesthood, and it cannot be denied that it was well discharged. Whilst the fathers agree with the Stoics of the 2d century in representing slavery as an indifferent circumstance in the eye of religion and morality, the contempt for the class which the Stoics too often exhibited is in them replaced by a genuine sympathy. They protested against the multiplication of slaves from motives of vanity in the houses of the great, against the gladiatorial combats (ultimately abolished by the noble self-devotion of a monk), and against the consignment of slaves to the theatrical profession, which was often a school of corruption. The church also encouraged the emancipation of individual slaves and the redemption of captives. And its influence is to be seen in the legislation of the Christian emperors, which softened some of the harshest features that still marked the institution. There is not, indeed, a uniform advance in this legislation; there is even retrogression in some particulars under Constantine, as in his renewed permission to fathers to sell their children and to the finder of an exposed child to make it his slave—enactments which it is sometimes sought to excuse by the prevailing poverty of his period. But a stronger influence of Christianity appears in Theodosius, and this influence is at the highest in the legislation of Justinian. Its systematic effort is, in his own words, "pro libertate, quam et fovere et tueri Romanis legibus et præcipue nostro numini peculiare est." Law still refused in general to recognize the marriages of slaves; but Justinian gave them a legal value after emancipation in establishing rights of succession. Unions between slaves and free women, or between a freeman and the female slave of another, continued to be forbidden, and were long punished in certain circumstances with atrocious severity. As witness, the slave was still subject to the question; as criminal, he was punished with greater rigour than the freeman. If he accused his master of a crime, unless the charge was of treason, he was burnt. But he could maintain a legal claim to his own liberty, not now merely through an *adsertor*, but in person. A female slave was still held incapable of the offence of adultery; but Justinian visited with death alike the rape of a slave or freed-woman and that of a free maiden. Already the master who killed his slave had been punished as for homicide, except in the case of his unintended death under correction; Constantine treated as homicide a number of specially-enumerated acts of cruelty. Even under Theodosius the combats of the amphitheatre were permitted, if not encouraged, by the state authorities; these sports were still expected from the candidates for public honours. Combats of men with beasts were longest continued; they had not ceased even in the early years of the reign of Justinian. A new process of manumission was now established, to be performed in the churches through the intervention of the ministers of religion; and it was provided that clerics could at any time by mere expression of will liberate their slaves. Slaves who were admitted to holy orders, or who entered a monastery, became freemen, under certain restrictions framed to prevent fraud or injustice. Justinian abolished the personal conditions which the legislation of Augustus had required to be satisfied by the master who emancipated and the slave who was manumitted, and removed the limitation of number. The liberated slave, whatever the process by which he had obtained his freedom, became at once a full citizen, his former master, however, retaining the right of patronage, the abolition of which would probably have discouraged emancipation.

The slavery of the working classes, justly described by Hume as the most important difference between the social life of antiquity and that of modern times, was not directly changed into the system of personal freedom. There was an intermediate stage which has not always been sufficiently discriminated from slavery, though the

confusion of the two leads to endless misconceptions. We mean the régime of serfdom. In studying the origin of this transitional state of things, four principal considerations have to be kept in view. (1) As Gibbon observes, the substantial completion of the Roman system of conquest and incorporation reduced the supply of slaves by restricting the dealings in them to such trade as took place within the now fixed limits of the empire. It is true that, when the barbarian invasions began in the 3d century, many captives were made, who, when not enrolled in the army, were employed in agriculture or domestic service; but the regular importation was greatly and increasingly diminished, and the Romans were obliged to have recourse to "the milder but more tedious method of propagation." The effect of this was to improve the condition of the slave by rendering his existence an object of greater value to his master. It tended, indeed, directly to the transformation of slavery into serfdom by making it the interest of each family to preserve indefinitely its own hereditary slaves, who could not be replaced except with difficulty and at great expense. The abolition of the external slave trade tended, in fact, to put an end to internal sales, and the slaves became attached to the households or lands of their masters. (2) The diminished supply of slaves further acted in the direction of the rehabilitation of free labour. A general movement of this kind is noticeable from the 2d century onwards. Freemen had always been to some extent employed in the public service—(a) as subordinate assistants to the magistrates and priests; the places of scribes, viatores, criers could be filled only by citizens; the apparitors attached to the new imperial administration were also free plebeians, with slaves in the lower ranks; but these apparitorships were usually held by freedmen. So also (b) public works were in the 2d century divided amongst corporations of free plebeians, with public slaves under them. In private service the superior posts were often filled by freedmen; the higher arts—as medicine, grammar, painting—were partly in the hands of freedmen and even of *ingenui*; the more successful actors and gladiators were often freedmen. In the factories or workshops kept by wealthy persons slave labour was mainly employed; but free artisans sometimes offered their services to these establishments or formed associations to compete with them. We have seen that free persons had all along been to some extent employed in the cultivation of land as hired labourers, and, as we shall presently find, also as tenants on the great estates. How all this operated we shall understand when we examine the remarkable organization of the state introduced by Diocletian and his successors. (3) This organization established in the Roman world a personal and hereditary fixity of professions and situations which was not very far removed from the caste system of the East. The purpose of this was doubtless to resist by a strong internal consolidation the shock of the invasions, to secure public order, to enforce industrious habits, and to guarantee the financial resources of the state. Personal independence was largely sacrificed, but those still more important ends were in a great measure attained. The all-pervading nature of this discipline will be understood from the following particulars. Members of the administrative service were absolutely bound to their employments; they could not choose their wives or marry their daughters out of the collegia to which they respectively belonged, and they transmitted their obligations to their children. If they abandoned their posts, they were sought for everywhere and forced to return. In municipalities, even the *curiales*, or members of the local senates, were bound to their places and their functions; there were other members of the municipal service who

might supply a substitute on condition of resigning to him their lands, but this power was rarely used; they commonly remained in their posts; their families, too, were bound to remain; they were attached to the collegia or other bodies to which they belonged. The soldier, procured for the army by conscription, served as long as his age fitted him for his duties, and his sons were bound to similar service. The same sort of compulsion appears to have been exercised upon those belonging to, at least, such free industrial corporations as were recognized and regulated by the state. Every one was treated, in fact, as a servant of the state, and was bound to furnish labour or money, or both; and the nature of his labour was permanently fixed for him; he was, in the language of the law, "conditionis laqueis irretitus." This general system, by diminishing the freeman's mastery over himself and his power to determine his occupation, reduced the interval between him and the slave; and the latter on the one hand, the free domestic servant and workshop labourer on the other, both passed insensibly into the common condition of serfdom. (4) The corresponding change, in the case of the rural slaves, took place through their being merged in the order of *coloni*. The Roman colonus was originally a free person who took land on lease, contracting to pay to the proprietor either a fixed sum annually or (when a *colonus partiaris*) a certain proportion of the produce of the farm. Under the emperors of the 4th century the name designated a cultivator, who, though personally free, was attached to the soil, and transmitted his condition to his descendants; and this became the regular status of the great mass of Roman cultivators. In sanctioning this personal and hereditary fixity, the law probably only recognized a state of things which had previously existed, having been spontaneously brought about by the circumstances of society, and especially by the needs of agriculture. The class of *coloni* appears to have been composed partly of tenants by contract who had incurred large arrears of rent and were detained on the estates as debtors (*obæratæ*), partly of foreign captives or immigrants who were settled in this condition on the land, and partly of small proprietors and other poor men who voluntarily adopted the status as an improvement in their position. They paid a fixed proportion of the produce (*pars agraria*) to the owner of the estate, and gave a determinate amount of labour (*opera*) on the portion of the domain which he kept in his own hands (*mansus dominicus*). The law for a long time took no notice of these customary tenures, and did not systematically constitute them until the 4th century. It was indeed the requirements of the fiscus and the conscription which impelled the imperial Government to regulate the system. The *coloni* were inscribed (*adscripti*) on the registers of the census as paying taxes to the state, for which the proprietor was responsible, reimbursing himself for the amount. In a constitution of Constantine (332 A.D.) we find the *colonus* recognized as permanently attached to the land. If he abandoned his holding he was brought back and punished; and any one who received him had not only to restore him but to pay a penalty. He could not marry out of the domain; if he took for wife a *colona* of another proprietor, she was restored to her original locality, and the offspring of the union were divided between the estates. The children of a *colonus* were fixed in the same status, and could not quit the property to which they belonged. They and their descendants were retained, in the words of a law of Theodosius, "quodam æternitatis jure," and by no process could be relieved from their obligations. By a law of Anastasius, at the end of the 5th century, a *colonus* who had voluntarily come into an estate was by a tenure of thirty years for ever attached to it. The master (*dominus*)

could inflict on his coloni "moderate chastisement," and could chain them if they attempted to escape, but they had a legal remedy against him for unjust demands or injury to them or theirs. In no case could the rent or the labour dues be increased. The colonus could possess property of his own, but could not alienate it without the consent of the master. Thus, whilst the members of the class were personally free, their condition had some incidents of a semi-servile character. They are actually designated by Theodosius, though the lax language of the codes must not be taken too literally, "servi terræ cui nati sunt." And Salvian treats the proposition "coloni divitum fiunt" as equivalent to "vertuntur in servos." This is indeed an exaggeration; a deduction must always be made from the phrases of the mediæval Jeremiah; the colonatus was not an oppressive system; it afforded, on the contrary, real security against unreasonable demands and wanton disturbance, and it was a great advance on the system of cultivation by the *familia rustica*. But the point which it is important for our present purpose to observe is, that there was a certain approximation between the condition of the colonus and the slave which tended towards the fusion of both in a single class. To make this plain, we must go a little further into detail.

Besides the coloni there were on a great estate—and those of the 4th century were on a specially large scale—a number of prædial slaves, who worked collectively under overseers on the part of the property which the owner himself cultivated. But it was a common practice to settle certain of the slaves (and possibly also of the freedmen) on other portions of the estate, giving them small farms on conditions similar to those to which the coloni were subject. These slaves are, in fact, described by Ulpian as *quasi coloni*. They had their own households and were hence distinguished as *casati*. In law these slaves were at first absolutely at the disposal of their masters; they had no property in the strict sense of the word, and could be sold to another proprietor and separated from their families. But the landlord's interest and the general tone of feeling alike modified practice even before the intervention of legislation; they were habitually continued in their holdings, and came to possess in fact a perpetual and hereditary enjoyment of them. By a law of Valentinian I. (377) the sale of these slaves was interdicted unless the land they occupied were at the same time sold. The legal distinction between the coloni and the slave tenants continued to exist after the invasions; but the practical difference was greatly attenuated. The colonus often occupied a servile mansus, and the slave a mansus originally appropriated to a colonus. Intermarriages of the two classes became frequent. Already at the end of the 7th century it does not appear that the distinction between them had any substantial existence. The servile tenures were, no less than the others, stable and hereditary; and the charges to be borne by the former were not necessarily the heavier.

Whilst giving their due weight to the social and economic circumstances which tended thus to merge the free labourer and colonus on the one hand and the slave on the other in a common class of serfs, we must never leave out of account the directly moral agencies which worked towards the same result by modifying slavery. Nor ought we to have in view only the influence of Christian doctrine and precept considered in themselves; we must regard them as constantly applied in daily life by an independent spiritual order, which was revered alike by the two classes whose relations it assisted in regulating, and whose general attitude towards slavery is sufficiently shown by the celebrated declaration of Gregory the Great.

A review of what has been said will make it plain that the Northern invasions had little to do with the transition from slavery to serfdom. Only two modes have been suggested in which they may possibly have accelerated the change. It is not likely that the newly established proprietors would understand, or respect in practice, nice distinctions between classes of cultivators; they would probably regard the coloni and slaves, now that their conditions were so much assimilated, as standing on the same basis. And, secondly, the Germans, if we may believe Tacitus, had in their original seats no menial slaves, whilst, on the other hand, they were familiar with the system of slaves settled on separate portions of a domain and paying a fixed share of the produce to its owner. There may be a certain value in these considerations. But, on the whole, it appears that, as in the case of the rise of the feudal system generally, so in the particular respect of the qualified personal freedom which accompanied it, the influence of the Northern nations was really of little account, and that both changes would have equally, though perhaps not so speedily, taken place if the invasions had never occurred.

Whilst ancient slavery was, as we have seen, a system fitted to endure under given social conditions, and had a definite political function to fulfil, serfdom, which succeeded when that function was exhausted, was a merely transitory condition, with no other destination than that of leading the working population up to a state of entire personal freedom. How the serf in cities and towns became a free labourer for hire can be easily conceived; he doubtless in many cases purchased his liberty out of his earnings, and in others it was not the master's interest to retain his services at the cost of his maintenance. The emancipation of this entire class was favoured by the movement (not, however, to be confounded with it) which established free industrial communities and gave them municipal jurisdiction. But it is very difficult to trace the steps by which the rural serf was transmuted into a free tenant. "The time and manner," says Adam Smith, "in which so important a revolution was brought about is one of the most obscure points in modern history." Smith himself attributes the change to two causes—(1) the greater advantage to the proprietor derived from the exertions of the cultivator when he worked entirely for himself, and (2) the encouragement which sovereigns, jealous of the great lords, gave to the villeins (under which term Smith seems to comprehend the whole mixed class of non-free tenants) to encroach on their authority. To these economic and political reasons, though doubtless real and important, Smith appears to attribute too exclusive an efficacy, neglecting the moral and religious causes which conspired to the same result, especially the personal influence of the clergy, who were natural mediators between the serfs and the proprietors. The serfs were best treated on the ecclesiastical estates, and many on private properties were liberated "pro amore Dei" and "pro remedio animæ."

Let us examine more particularly the circumstances of the transition in France and in England.

M. Guérard has shown that from the conquest by Cæsar to the abolition of feudalism there was a steady improvement in the condition of the class originally enslaved. He distinguishes three periods—one of slavery proper, lasting till the conquest of Gaul by the barbarians; the second, ending about the close of the reign of Charles the Bald (d. 877), in which slavery is replaced by an intermediate state which he calls by the indeterminate name of "servitute," the rights of the *servus* being recognized, respected, and protected, if not yet in a sufficient degree by the civil laws, at least by those of the church and by social manners; and a third in which, under the developed regime of feudalism, serfdom proper is fully established and the serf-tenant has become simply a tributary under various appellations (*homme de corps* or *de pôté*, *manse*,

mortable, *taillable*, *serf*, *villain*). The three personal conditions here described coexisted to some extent in all these periods, one of them, however, greatly preponderating in each. Towards the end of the 9th century the serf-tenants were already proprietors of their holdings; under the third dynasty they were rather subjects than tenants, and the dues they paid were rather taxes than rents; they were, in short, vassals occupying the lowest round of the feudal ladder. Guérard enumerates as immediate causes which led to the liberation of serfs (besides the master's voluntary gift or bequest) their flight,—with the prescription which arose after a certain interval of absence,—ordination, redemption by themselves or others, marriages with women of higher status, and the action of law in the case of certain wrongs inflicted by the master. The church co-operated to the same result, as might be shown by many instances. Thus St Benedict of Aniane (d. 821), the reformer of the monasteries in the Carolingian territories, received a number of donations of lands from the faithful; but, whilst accepting them for his religious establishments, he enfranchised the serfs who inhabited them. All the serfs, not merely in a village, bourg, or city, but in whole districts, were liberated by charters of sovereigns or lords. Such documents are most common in the 13th century. The general edicts of Louis X. (1315) and Philip V. (1318) are little more than recognitions of a *fait accompli*, and were dictated, at least in part, by financial motives. Some relics of serfdom continued to exist in local customs down to the Revolution, and were not abolished till the night of the 4th August 1789. But these survivals do not affect the truth of the proposition that the work of emancipation was essentially accomplished early in the 14th century.

Guérard has observed on the difficulty created by the ambiguity of the word *servus* in the mediæval authorities. In the study of English serfdom, even eminent writers like Robertson, Hallam, and Kemble have obscured the subject by the use of the term *slave*, sometimes in its proper sense, sometimes in relation to the *serf*. Dr Stubbs has avoided this equivocal nomenclature, and by attending more to social fact than to the letter of the law has placed the history of the class in a clear light. The slaves of Anglo-Saxon times were "regarded as the stock of their owner; . . . their offences against a third person he must answer for, as for the mischief done by his cattle; . . . they had no credibility, no legal rights; wrongs done to them were regarded as wrongs done to their master." Practice, indeed, was kinder to them than legal theory; as in the case of the Roman *peculium*, they were "in some unexplained way" allowed to keep their savings, and so to purchase their freedom; and "the spiritual law could enforce a penance on the master for ill-treating them." There were laws of Ethelbert and Canute forbidding the sale of men to heathen masters, and the slave trade, the principal seat of which was Bristol, was put down by the preaching of St Wulfstan. The villein of Domesday Book is not a slave; he represents the Anglo-Saxon *ceorl*; he is an irremovable cultivator, now regarded as customary tenant of a lord. The Norman knights probably confounded with the *villanus* the *bordarii* and other tenants who stood on less favourable footing. Whilst the free *ceorl* became a villein, the *servus* (*theone*) disappeared altogether. The position which the class constituted by this fusion came to occupy was one "compatible with much personal comfort and some social ambition." The villeins "were safe in the possession of their homes; they had a remedy against the violence of their masters; they could, if they chose to renounce their holdings and take refuge in a town, become members of the guild, and there, when unclaimed for a year and a day, obtain the full rights of freemen; they could obtain manumission by the intervention of the church, which always proclaimed the liberation of the villein to be a work of merit on the part of the master. . . . Under a fairly good lord, under a monastery or a college, the villein enjoyed immunities and security that might be envied by his superiors; he had a ready tribunal for his wrongs, a voice in the management of his village; he might with a little contrivance redeem his children and start them in a higher state of life." Walter Map declares that in his time (12th century) the villeins were educating their ignoble offspring in the liberal arts. In the early part of the 14th century "it was by a mere legal form that the villeins were described as less than free." In the reign of Richard II. it seems that "the legal theory of their status has become hardened and sharpened so as to warrant almost wanton oppression;" but social causes, on the other hand, have ameliorated their actual lot. It was not their normal condition that led to the insurrection of 1381, but the enforcement of the Statute of Labourers and the attempt of the lords to reassert legal claims which were practically obsolete. Serfdom died out in England without any special legislation against it. It survived in exceptional instances, as in France; Hallam mentions as the latest deed of enfranchisement one of Elizabeth in 1574 in favour of the bondmen on some of her manors; and it appears that in Scotland the workers in coal and salt mines were in a state of serfdom until they were liberated by Acts of the 15th and 39th years of the reign of George III. Essentially similar movements took place in the other countries

of the West. In Italy "the 11th and 12th centuries," says Hallam, "saw the number of slaves" (by which word he means serfs) "begin to decrease; early in the 15th a writer quoted by Muratori speaks of them as no longer existing. . . . The greater part," he adds, "of the peasants in some countries of Germany had acquired their liberty before the end of the 13th century; in other parts . . . they remained in a sort of villenage till the present age." The most rigorous forms of serfdom (*Leibeigenschaft*) existed in those German districts which were once Wendish,—as Lusatia, Pomerania, and Mecklenburg,—and in Holstein. The last remains of the system in Germany were abolished in 1832 and 1848. In Castile the serfs were slowly converted into *solariegos*, who cultivated the land of the lord under obligations similar to those of the colonus. Alphonso X. (El Sabio) declared that the solariego could quit his holding when he wished, though he could not alienate it or demand anything for his improvements. Alphonso XI. (El Justiciero) decreed that no lord should take the *solar* (holding) from the tenant, nor from his sons or grandsons, so long as they paid the fixed dues. They thus became irremovable, and their tenures were hereditary.

By these gradual processes every form of servitude disappeared from the social order of western Europe, whilst at the same time was bequeathed to the modern world the inexorable problem, still but partially solved, of the definitive position of the classes whose origin is traceable to that condition.

But not very long after the disappearance of serfdom Modern in the most advanced communities comes into sight the new system of colonial slavery, which, instead of being the spontaneous outgrowth of social necessities and subserving a temporary need of human development, was politically as well as morally a monstrous aberration, and never produced anything but evil.

In 1442, when the Portuguese under Prince Henry the Navigator were exploring the Atlantic coast of Africa, one of his officers, Antam Gonsalves, who had captured some Moors, was directed by the prince to carry them back to Africa. He received from the Moors in exchange for them ten blacks and a quantity of gold dust. This excited the cupidity of his fellow-countrymen; and they fitted out a large number of ships for the trade, and built several forts on the African coast. Many negroes were brought into Spain from these Portuguese settlements, and the colonial slave trade first appears in the form of the introduction into the newly-discovered western world of children or descendants of these negroes. When Ovando was sent out in 1502 as governor of Hispaniola, whilst regulations, destined to prove illusory, were made for the protection of the natives of the island, permission was given to carry to the colony negro slaves, born in Seville and other parts of Spain, who had been instructed in the Christian faith. It appears from a letter of Ovando in 1503 that there were at that time numbers of negroes in Hispaniola; he requested that no more might be permitted to be brought out. In 1510 and the following years King Ferdinand ordered a number of Africans to be sent to that colony for the working of the mines.

Before this time Columbus had proposed an exchange of his Carib prisoners as slaves against live stock to be furnished to Hispaniola by Spanish merchants. Infidels, he represented, would thus be converted, the royal treasury enriched by a duty on the slaves, and the colonists supplied with live stock free of expense. He actually sent home in the ships of Antonio Torres, in 1494, above 500 Indian prisoners taken in wars with the caciques, who, he suggested, might be sold as slaves at Seville. But, after a royal order had been issued for their sale, Queen Isabella, interested by what she had heard of the gentle and hospitable character of the natives and of their docility, procured a letter to be written to Bishop Fonseca, the superintendent of Indian affairs, suspending the order until inquiry should be made into the causes for which they had been made prisoners, and into the lawfulness of their sale. Theologians differed on the latter question, and

isabella directed that these Indians should be sent back to their native country, and that a policy of conciliation should be followed there instead of one of severity.

Bartolomé de las Casas, the celebrated bishop of Chiapa, accompanied Ovando to Hispaniola, and was a witness of the cruelties from which the Indians suffered under his administration. He came to Spain in 1517 to obtain measures in their favour, and he then made the suggestion to Charles that each Spanish resident in Hispaniola should have licence to import a dozen negro slaves. Las Casas, in his *Historia de las Indias* (lib. iii. cap. 101), frankly confesses the grave error into which he thus fell. "This advice that licence should be given to bring negro slaves to these lands the clerigo Casas first gave, not considering the injustice with which the Portuguese take them and make them slaves; which advice, after he had apprehended the nature of the thing, he would not have given for all he had in the world." Other good men appear to have given similar advice about the same time, and, as has been shown, the practice was not absolutely new; indeed the young king had in 1516, whilst still in Flanders, granted licences to his courtiers for the importation of negroes into the colonies, though Ximenes, as regent of Castile, by a decree of the same year forbade the practice. The suggestion of Las Casas was no doubt made on the ground that the negroes could, better than the Indians, bear the labour in the mines, which was rapidly exhausting the numbers of the latter.¹ He has sometimes on this plea been exonerated from all censure; but, as we have seen, he did not exculpate himself; and, though entitled to honour for the zeal and perseverance which he showed on behalf of the natives of the New World, he must in justice bear the blame due from posterity for his violation or neglect of moral principle. His advice was unfortunately adopted. "Charles," says Robertson, "granted a patent to one of his Flemish favourites, containing an exclusive right" of supplying 4000 negroes annually to Hispaniola, Cuba, Jamaica, and Porto Rico. "The favourite sold his patent to some Genoese merchants for 25,000 ducats"; these merchants obtained the slaves from the Portuguese; and thus was first brought into a systematic form that odious "commerce between Africa and America which has since been carried on to such an amazing extent," the action of the Spaniards being "imitated by all the nations of Europe who have acquired territories in the warmer climates of the New World."

The first Englishman who engaged in the hateful traffic was Captain John HAWKINS (*q.v.*). The English slave traders were at first altogether occupied in supplying the Spanish settlements. Indeed the reign of Elizabeth passed without any English colony having been permanently established in America. But in 1620 a Dutch ship from the coast of Guinea visited Jamestown in Virginia, and sold a part of her cargo of negroes to the tobacco-planters. This was the first beginning of slavery in British America; the number of negroes was afterwards continually increased—though apparently at first slowly—by importation, and the field-labour was more and more performed by servile hands, so that in 1790 the State of Virginia, which is only a small part of the original colony so named, contained 200,000 negroes.

The African trade of England was long in the hands of exclusive companies; but by an Act of the first year of William and Mary it became free and open to all subjects of the crown. The African Company, however, continued to exist, and obtained from time to time large parliamentary grants. By the treaty of Utrecht the asiento,² or contract for supplying the Spanish colonies with 4800

¹ The Spaniards, in the space of fifteen years subsequent to the discovery of the West Indies, had, as Robertson mentions, reduced the natives of Hispaniola from a million to 60,000.

² The Spaniards were prevented from forming establishments on the African coast by the Bull of Demarcation ("Inter cetera") of Pope Alexander VI. (1493), which forbade their acquiring territory to the east of the meridian line of 100 miles west of the Azores. They could therefore supply their American possessions with slaves only by contracts with other powers.

negroes annually, which had previously passed from the Dutch to the French, was transferred to Great Britain; an English company was to enjoy the monopoly for a period of thirty years from 1st May 1713. But the contract came to an end in 1739, when the complaints of the English merchants on one side and of the Spanish officials on the other rose to such a height that Philip V. declared his determination to revoke the asiento, and Sir Robert Walpole was forced by popular feeling into war with Spain. Between 1680 and 1700 about 140,000 negroes were exported by the African Company, and 160,000 more by private adventurers, making a total of 300,000. Between 1700 and the end of 1786 as many as 610,000 were transported to Jamaica alone, which had been an English possession since 1655. Bryan Edwards estimated the total import into all the British colonies of America and the West Indies from 1680 to 1786 at 2,130,000, being an annual average of 20,095. But this, he admits, is much less than was in his time commonly supposed. The British slave trade reached its utmost extension shortly before the War of American Independence. It was then carried on principally from Liverpool, but also from London, Bristol, and Lancaster; the entire number of slave ships sailing from those ports was 192, and in them space was provided for the transport of 47,146 negroes. During the war the number decreased, but on its termination the trade immediately revived. When Edwards wrote (1791), the number of European factories on the coasts of Africa was 40; of these 14 were English, 3 French, 15 Dutch, 4 Portuguese, and 4 Danish. As correct a notion as can be obtained of the numbers annually exported from the continent about the year 1790 by traders of the several European countries engaged in the traffic is supplied by the following statement:—"By the British, 38,000; by the French, 20,000; by the Dutch, 4000; by the Danes, 2000; by the Portuguese, 10,000; total 74,000." Thus more than half the trade was in British hands. "At present," said Robertson, writing in 1791, "the number of negro slaves in the settlements of Great Britain and France in the West Indies exceeds a million; and, as the establishment of servitude has been found, both in ancient and modern times, extremely unfavourable to population, it requires an annual importation of at least 58,000 to keep up the stock." The slaves in the Spanish dominions and in North America, he thought, probably amounted to an additional million.

The hunting and stealing of human beings to make them slaves, ^{Effects of the slave trade.} which were already practised in Africa for the supply of the central states of that continent, as well as of the markets of northern Africa, Turkey, and other Mohammedan countries, were greatly aggravated by the demand of the European colonies. The native chiefs engaged in forays, sometimes even on their own subjects, for the purpose of procuring slaves to be exchanged for Western commodities. They often set fire to a village by night and captured the inhabitants when trying to escape. Thus all that was shocking in the barbarism of Africa was multiplied and intensified by this foreign stimulation. To the miseries thus produced, and to those suffered by the captives in their removal to the coast were added the horrors of the middle passage. Exclusive of the slaves who died before they sailed from Africa, 12½ per cent. were lost during their passage to the West Indies; at Jamaica 4½ per cent. died whilst in the harbours or before the sale, and one-third more in the "seasoning." Thus, out of every lot of 100 shipped from Africa 17 died in about 9 weeks, and not more than 50 lived to be effective labourers in the islands. The circumstances of their subsequent life on the plantations were not favourable to the increase of their numbers. In Jamaica there were in 1690 40,000; from that year till 1820 there were imported 800,000; yet at the latter date there were only 340,000 in the island. One cause which prevented the natural increase of population was the inequality in the numbers of the sexes; in Jamaica alone there was in 1789 an excess of 30,000 males.

It may be truly said that from the latter part of the 17th century, when the nature of the slave trade began to be understood by the public, all that was best in England was adverse to it. Among those who denounced it—besides some whose names are now little known, but are recorded with the honour they deserve in the pages of Clarkson—were Baxter, Sir Richard Steele (in *Inkle and Yarico*), the poets Southern (in *Oroonoko*), Pope, Thomson, Shenstone, Dyer, Savage, and above all Cowper (see his *Charity and Task*, bk. 2), Thomas Day (author of *Sandford and Merton*), Sterne, Warburton, Hutcheson, Beattie, John Wesley, Whitfield, Adam Smith, Millar, Robertson, Dr Johnson, Paley, Gregory, Gilbert Wakefield, Bishop Porteus, Dean Tucker. The question of the legal existence of slavery in Great Britain and Ireland was raised in consequence of an opinion given in 1729 by York and Talbot, attorney-general and solicitor-general at the time,

to the effect that a slave by coming into those countries from the West Indies did not become free, and might be compelled by his master to return to the plantations. Chief-Justice Holt had expressed a contrary opinion; and the matter was brought to a final issue by Mr Granville Sharp in the case of the negro Somerset. It was decided by Lord Mansfield, in the name of the whole bench, on June 22d 1772, that as soon as a slave set his foot on the soil of the British islands he became free. In 1776 it was moved in the House of Commons by David Hartley, son of the author of *Observations on Man*, that "the slave trade was contrary to the laws of God and the rights of men"; but this motion—the first which was made on the subject—failed; public opinion on the question was far from being yet fully ripe.

The first persons in England who took united practical action against the slave trade were the Quakers, following the expression of sentiment which had, emanated so early as 1671 from their founder George Fox. In 1727 they declared it to be "not a commendable or allowed" practice; in 1761 they excluded from their Society all who should be found concerned in it, and issued appeals to their members and the public against the system. In 1783 there was formed amongst them an association "for the relief and liberation of the negro slaves in the West Indies, and for the discouragement of the slave trade on the coast of Africa." This was the first society established in England for the purpose. The Quakers in America had taken action on the subject still earlier than those in England. The Pennsylvania Quakers advised their members against the trade in 1696; in 1754 they issued to their brethren a strong dissuasive against encouraging it in any manner; in 1774 all persons concerned in the traffic, and in 1776 all slave holders who would not emancipate their slaves, were excluded from membership. The Quakers in the other American provinces followed the lead of their brethren in Pennsylvania. The individuals amongst the American Quakers who laboured most earnestly and indefatigably on behalf of the Africans were John Woolman (1720-1773) and Anthony Benezet (1778-1784), the latter a son of a French Huguenot driven from France by the revocation of the edict of Nantes. The former confined his efforts chiefly to America and indeed to his coreligionists there; the latter sought, and not without a large measure of success, to found a universal propaganda in favour of abolition. A Pennsylvania society was formed in 1774 by James Pemberton and Dr Benjamin Rush, and in 1787 (after the war) was reconstructed on an enlarged basis under the presidency of Franklin. Other similar associations were founded about the same time in different parts of the United States. The next important movement took place in England. Or Peckard, vice-chancellor of the university of Cambridge, who entertained strong convictions against the slave trade, proposed in 1785 as subject for a Latin prize dissertation the question, "An liceat invitos in servitutem dare." Thomas Clarkson resolved to compete for the prize. Reading Anthony Benezet's *Historical Account of Guinea* and other works in the course of his study of the subject, he became so powerfully impressed with a sense of the vile and atrocious nature of the traffic that he ere long determined to devote his life to the work of its abolition, a resolution which he nobly kept. His essay, which obtained the first prize, was translated into English in an expanded form by its author, and published in 1786 with the title *Essay on the Slavery and Commerce of the Human Species*. In the process of its publication he was brought into contact with several persons already deeply interested in the question; amongst others with Granville Sharp, William Dillwyn (an American by birth, who had

known Benezet), and the Rev. James Ramsay, who had lived nineteen years in St Christopher, and had published an *Essay on the Treatment and Conversion of the African Slaves in the British Sugar Colonies*. The distribution of Clarkson's book led to his forming connexions with many persons of influence, and especially with William Wilberforce, who, having already occupied himself with the subject, went fully into the evidence bearing on it which Clarkson laid before him, and, as the result of his inquiries, undertook the parliamentary conduct of the movement which was now decisively inaugurated. A committee was formed on 22d May 1787 for the abolition of the slave trade, under the presidency of Granville Sharp, which after twenty years of labour succeeded, with the help of eminent public men, in effecting the object of its foundation, and thus removing a grave blot on the character of the British nation, and mitigating one of the greatest evils that ever afflicted humanity. It is unquestionable that the principal motive power which originated and sustained their efforts was Christian principle and feeling. The most earnest and unremitting exertions were made by the persons so associated in investigating facts and collecting evidence, in forming branch committees and procuring petitions, in the instruction of the public and in the information and support of those who pleaded the cause in parliament. To the original members were afterwards added several remarkable persons, amongst whom were Josiah Wedgwood, Bennet Langton (Dr Johnson's friend), and, later, Zachary Macaulay, Henry Brougham, and James Stephen.

In consequence of the numerous petitions presented to parliament, a committee of privy council was appointed by the crown in 1788 to inquire concerning the slave trade; and Mr Pitt moved that the House of Commons should early in the next session take the subject into consideration. Wilberforce's first motion for a committee of the whole House upon the question was made on 19th March 1789, and this committee proceeded to business on 12th May of the same year. After an admirable speech, Wilberforce laid on the table twelve resolutions which were intended as the basis of a future motion for the abolition of the trade. The discussion of these was postponed to the next session, and in 1790-91 evidence was taken upon them. At length, on 18th April of the latter year, a motion was made for the introduction of a bill to prevent the further importation of slaves into the British colonies in the West Indies. Opinion had been prejudiced by the insurrections in St Domingo and Martinique, and in the British island of Dominica; and the motion was defeated by 163 votes against 88. Legislative sanction was, however, given to the establishment of the Sierra Leone Company, for the colonization of a district on the west coast of Africa and the discouragement of the slave trade there. It was hoped at the time that that place would become the centre from which the civilization of Africa would proceed; but this expectation was not fulfilled. On 2d April 1792 Wilberforce again moved that the trade ought to be abolished; an amendment in favour of gradual abolition was carried, and it was finally resolved that the trade should cease on 1st January 1796. When a similar motion was brought forward in the Lords the consideration of it was postponed to the following year, in order to give time for the examination of witnesses by a committee of the House. A bill in the Commons in the following year to abolish that part of the trade by which British merchants supplied foreign settlements with slaves was lost on the third reading; it was renewed in the Commons in 1794 and carried there, but defeated in the Lords. Then followed several years during which efforts were made by the abolitionists