

Reflections on public slavery and social death*

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ABSTRACT

It is tempting to see public slaves as sharing characteristics of both slave and free and, therefore, as embodying an intermediate position that proves binary approaches to slavery and freedom wrong. This article argues that this temptation should be resisted. Based on an analysis of cases from different regions and periods, it agrees broadly with Patterson's clear distinction between slave and free statuses, but not with his interpretation of elite slaves as 'the ultimate slaves'. Public slaves were unusual slaves. A close analysis of their circumstances, and of the circumstances of other categories of slaves endowed with particular influence or autonomy in their societies, reveals that the social death metaphor suits certain contexts better than other. It does not accurately capture the historical diversity of the statuses and conditions of enslaved persons through time, and hence is unhelpful for the purpose of comparative generalisation.

KEYWORDS: slavery, public slavery, social death, dependence, unfreedom, comparative method

Historians disagree. Some think of slavery as one of many statuses in a continuum of forms of coercion, others as the opposite of freedom in a binary that sets slaves and free apart. Public slaves, who appear to share characteristics of both slave and free, can be seen as embodying an intermediate position incompatible with dualistic approaches. In *Slavery and Social Death* Orlando Patterson took a clear stance on this issue and described the public slave (or elite slave) as 'the ultimate slave'.¹ Patterson's theory of slavery lies at the opposite of gradationist approaches: as social death, slavery is substantially different from relations involving free persons, even coercive ones. While arguing for a clear distinction between slave and free, Patterson allows for variations within slavery.² This thesis, in my view, is fundamentally correct. But the social death metaphor suggests irreversibility and uniformity; these two characteristics, as has been noted by critics of Patterson's definition, do not capture the historical diversity of the statuses and conditions of enslaved persons.³

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1 Patterson 1982: 299–333.

2 Patterson 2001, 2017, 2018, 2021.

3 For example, John Bodel (2017) and Antonio Barbieri-Low (2017) have shown, respectively, that in ancient Roman and Han Chinese societies slavery was not an irreversible status. Based on analysis of Roman practices surrounding slaves' death, Bodel questioned the appropriateness of the 'social death' metaphor, which prompted Patterson to respond at length (2017: 286–92; see also 2018: xiii). In objecting to Bodel's criticism, Patterson endeavours to show that in many cultures (though primarily in Roman and early Christian thought) death was not regarded as final but as leading to rebirth, making the 'social death' metaphor pertinent to more 'open' systems of slavery. This fascinating rebuttal, however, I find generally unconvincing, for it hardly addresses the main association with death as a terminal status made by

Across space and through the ages, slavery has been a degrading, exploitative, and destructive condition. The social death metaphor's 'emotive power' serves as a vivid reminder of slavery's potential to dehumanize.⁴ It also has the advantage of not reducing slavery to one form of exploitation among many, as some authors are inclined to do. Enslavement is more than labour exploitation, no matter how intense: it involves totalizing control over all of a person's capabilities. Public slaves, whose disadvantages do not consist in exposure to gruesome working conditions, attest to this. But as an analytical tool for historical comparison, 'social death' does not adequately convey the breadth of conditions and statuses accessible to enslaved persons in many pre- and non-abolitionist contexts. Metaphorical 'death' does not capture the conditions of many of the public slaves described in the contributions to this special issue. Patterson's image suits some contexts better than others. Enslavement could, and often did, yield conditions comparable with social death, but slavery has been a more internally varied status than implied by the death metaphor. Some may find this a trivial observation that focuses not on substantive issues but on rhetorical nuance. Perhaps. But as Patterson reminds us, metaphors 'are what we think and live by'.⁵ Under legal slavery there were many ways of being enslaved, just as there were, and still are, many ways of being free. There are not many ways of being dead.

1. BINARY OR CONTINUUM?

Are *servi publici* an enigma? Due to the relative privilege they enjoyed in most societies, they have been seen as not quite fitting in the slave category. And yet, their legal status, lack of honour, and other disadvantages compared to free-born public servants constitute distinctive marks of enslavement. For these reasons Patterson characterized them as the 'ultimate slaves'.⁶ He suggested that—like all exceptions—they shed particular light on the nature of slavery as an institution of marginality. In a world where people can be either slave or free, the public slave—who may at first glance appear to defy this binary division—epitomizes the slave condition by showing that slave identity is a source of stigma even for groups otherwise better off than many free-born persons. Paulin Ismard agrees and talks of a 'grand partage' between free and slaves.⁷ He emphasizes the peculiarity of Athenian *dēmosioi*, or public slaves, by characterizing them as 'strange slaves' in Athens's system of social status.⁸ Others, however, take different views.

In her contribution to this special issue, Andrea Binsfeld argues against the dichotomy between slavery and freedom, and for the idea of a continuum of dependency. The debate that Binsfeld refers to is not new. It was reignited by the publication of Marcel van der Linden and Tom Brass's edited volume *Free and Unfree Labour: the Debate Continues*.⁹ Robert Steinfeld's 2001 book argued that 'free wage labour' in Great Britain and North America was not as free as commonly portrayed but concealed a spectrum of more or less coercive relations between employers and employees.¹⁰ Stanley Engerman and David Eltis's introduction to the *Cambridge World History of Slavery* suggests that slavery should be seen as part of a continuum of dependent relations.¹¹ Marcel van der Linden's final chapter in *On Coerced Labour* discusses slavery as 'one example' among many forms of coerced labour.¹² This debate is reviewed by Juliane Schiel, Christian De Vito, and

contemporary English readers, and most importantly, it does not, in my view, convey clearly the multiplicity of statuses and conditions of different subgroups of enslaved persons. Ehud Toledano (2017b) and Indrani Chatterjee (2017) objected to Patterson's emphasis on generalized dishonour as a uniform characteristic of all slaveries based on their analysis of, respectively, Ottoman and pre-modern Indian slavery, where many subcategories of enslaved persons held a nuanced variety of statuses, some of which were not more dishonoured than some free statuses, while others were socially honoured and could build families of their own and transfer property to their descendants.

4 Bodel 2017: 84.

5 Patterson 2017: 288.

6 Patterson 1982: 299.

7 Ismard 2019: 14.

8 Ismard 2017: 57–79.

9 Linden and Brass 1997.

10 Steinfeld 2001.

11 Engerman and Eltis 2011:1.

12 Linden 2016: 294.

Mathias van Rossum in a recent article in the *Journal of Social History*.¹³ It is directly relevant to the theme of this collection: do public slaves epitomize the slave condition, or do they occupy an intermediate position between slave and free, demonstrating through their complex mix of privileges and handicaps that slavery is not the opposite of freedom, but one status among many organized along a continuum? Partisans of gradationism conceptualize this continuum as a range of unfree positions, with ‘freedom’ an elusive asymptote enjoyed by few at the expense of many.

Binsfeld discusses unions between free women and public slaves in Late Antiquity. *Servi publici* benefited from many of the prerogatives of free persons. For example, they enjoyed the legal right (*ius*) to save a *peculium* and bequeath half of it to their heirs—attesting to a degree of legal agency. This point is made in other chapters. Jean-Jacques Aubert illustrates the legal capacity of public slaves in his detailed analysis of Pliny the Younger’s advice to his neighbour Caninius Rufus, who wished to make a benevolent donation to indigent citizens of Comum in c.107 CE. The case is complicated, and Aubert cautions that Pliny’s letters lack the detail that would be needed for a precise assessment of the circumstances. And yet, Aubert’s examples leave little doubt as to the ability of slaves to carry out important legal functions as *actores publici*. In some ways, the similarity with a free man’s power to act legally on his own behalf is only partial. The *raison d’être* of the *servus publicus*’ legal capacity is his social incapacity. As a slave, he cannot act on his own account: in the case discussed by Pliny, the transfer of ownership of land to a slave *actor publicus* amounts to transferring the land to the *municipes* of Comum, the ultimate beneficiaries of Pliny’s action, on whose behalf the public slave is acting. The legal power that the public slave wields in this role is inherent in his bureaucratic position, not his person. But this lack of personal authority is true of many bureaucratic and representative functions:¹⁴ the priests absolve in the name of God, the immigration officer allows entry into a country on behalf of the state department he represents—and yet, no one would deny that these positions invest their holders with power, even though such power is delegated to them by an institution or individual. Similarly, one cannot overlook the power of *servi publici* compared to other categories of enslaved persons. This is not only because many categories of public slaves occupied offices in which they made decisions that had concrete consequences for the lives of others, including free persons; but also because relations of delegation shape-shift constantly into relations of representation, whereby the public slave comes to stand for the institution that invests him with power. Because he represents the institution, in practice he incarnates its power.¹⁵

In his contribution to this volume Alexander Weiss notes that the privileged circumstances of the public slave mean that in scholarly models developed to describe hierarchy in ancient Rome they may be placed above certain categories of free persons, in stark contrast with chattel slaves at the bottom of all statuses. A person’s social ascent into the ranks of Roman hierarchies could involve assimilation into free or freed status (as a *libertus/a*). Such trajectories would start in the diagram’s section marked ‘slaves’ and end in one of the sections symbolizing positions accessible to free persons. Other trajectories distinguish the career of chattel slaves rising to the position of public slaves, or to a higher-ranking role in the *familia Caesaris*. One way to see these hierarchies is to argue that they point to the irrelevance of slave/free distinctions because public slaves can be privileged even among the free. But rather than rejecting binaries, which are in our sources, I would be inclined to reject our tendency to equate all slaves with one status, and accept that both slave and free legal statuses were internally stratified (if one has to think in terms of social death, some slaves are more ‘dead’ than others); that the degree of permeability between free and slave is historically contingent (some slaves in some places could be manumitted, or access ‘symbolic rebirth’, more easily than others);¹⁶ and that certain legal abilities (like owning wealth or receiving wages) and disabilities (like transmitting their dishonoured status to their offspring) have been common to both slave and free in particular contexts.

13 Schiel et al. 2020.

14 For a general discussion, see Bourdieu 1991: 203–19.

15 Bourdieu 1991: 204.

16 The image of ‘symbolic rebirth’ is Patterson’s; see Patterson 1982: 293.

Some of the disabilities that allegedly marked *servi publici* off as slaves were shared with other low-ranking workers of free status and with free *coloni* (tenant farmers in a shareholder relationship with landlords), as described by Binsfeld. Under the *Senatus Consultum Claudianum* of 52 CE masters of male slaves who had children with free women could retain such children as their slaves. With regard to the status of the free mother of these children, there was a clear hierarchy amongst public slaves: those who served in the *familia Caesaris* (the emperor's slaves) were the least disadvantaged. These legal provisions changed under Constantine in the fourth century. Imperial slaves remained the most privileged, and the status of their free female partners was least threatened. Then came slaves owned by private citizens, and finally slaves owned by cities outside Rome, where the free women who cohabited with municipal slaves could lose their free status without warning. In all of these cases the slave genitor's master controlled the offspring born of these unions. The public slave's children were invariably illegitimate. Not only some conditions were shared by so-called privileged slaves and the most destitute free groups, but the demarcation between these groups became progressively more blurred in Late Antiquity. Under Emperor Valentinian's rule, new legislation was passed, known as the *Novella Valentiniani* (451 CE), that further extended restrictions on the trans-generational assimilation of descendants of public slaves into free society to the offspring born of unions between free women and *coloni*. The Roman empire was becoming increasingly politically fragmented. As shown by Noel Lenski, many of the previous roles of *servi publici* were taken on by free-born people.¹⁷ An expanding free landless tenant class and low-ranking members of the *collegia* increasingly shared the destiny of public slaves; free women who gave birth to children fathered by men in these groups risked losing their free status and becoming slaves of the landlord. These changes strengthened the position of the master/landlord over that of his dependents, whose offspring joined the ranks of slaves.

The social division between unfree and free was blurred and permeable, but this does not mean that it did not exist. Some of the unfree were designated as slaves, others were not. Slaves and the lowest-ranking free and unfree persons faced similar circumstances. But people struggled to improve their status and conditions, and their struggles show that legal classifications mattered to them. There were legal options for slaves to acquire 'free' status, even though *de facto* such options may have been limited and statutory 'freedom' so circumscribed for certain groups (such as serfs and tenants) as to be unlike anything we would call 'freedom' today. But people cared for nuances of status, and our analytical terminologies must allow us to represent distinctions that were meaningful to them. At the beginning of the eight century in Campione, at the feet of the Lombard Alps, a woman named Anstruda with the consent of her father (a free man) sold her *mundium* to the brothers Sigerad and Arochis and married one of their *servi*, specifying that while sons from the union would be slaves, daughters could buy their freedom at marriage. Two decades later, in 735, Scolastica sister of Iohannace, a free small landowner, married a slave man (*mancipium*) and became herself the slave of the same Sigerad and Arochis.¹⁸ In *Framing the Middle Ages*, Chris Wickham uses the term 'slave' when the equivalent term is in his sources, but in his own analysis he chooses to use only the terms 'free' and 'unfree'. This choice of analytical terminology, he explains in *The Inheritance of Rome*, is meant to avoid misleading his readers into believing that 'slaves' experienced conditions altogether distinct from those of persons of nominally 'free' status (that is, non-slave status), including 'unfree' peasants, or *servi*.¹⁹ In medieval Italy the boundary between free and unfree is permeable.²⁰ But while accounting for blurred and permeable boundaries is important, it does not mean that boundaries aren't there at all.

If these distinctions did not matter, it would be impossible to make sense of cases such as the one discussed by Alice Rio.²¹ In 820 a scribe of the Abbey of Saint Martin in the city of Tours recorded the case of

17 Lenski 2006.

18 Wickham 2005: 560.

19 Wickham 2009: 36.

20 Wickham 2005: 563.

21 Rio 2021: 101–08. Rio cites manuscript Paris BnF lat. 2718 as her source for this case.

N. and N., a sister and brother pair who had been omitted from an earlier document that declared free the rest of N. and N.'s family. In this case, N. and N. implored the Carolingian emperor Louis the Pious to issue a second document clarifying their free status. The sister, N., had become the domestic slave of Judith, wife of the emperor. With the present act she was not seeking to relinquish her position as servant of her mistress. But the document states that upon having her free status legally attested by the emperor, no one should ever question her rightful ownership of her possessions or her right to transfer her free status and property to her heirs. Rio discusses the possible scenarios that might have excluded N. and N. from the first freedom paper. The two siblings might have been detached from their family and assigned to serve particular actors before their family was redeemed. N. and N. had suffered a double statutory demotion: they were firstly separated from their family of origin and thrown into domestic servitude, and then they were further distanced from their family when the latter was able to obtain a paper that declared them to be free, not unfree, tenants (a paper that did not mention N. and N.). Years later, having won the favour of her noble mistress, N. probably sought to rectify her and her brother's circumstances. Whatever small difference these rectifications may have made in practice, to N. it obviously mattered to be classed as free, even as she went on living an unfree life.

In a seminal paper of 1964, Moses Finley urged students of slavery to enquire into the historical causes for the polarization of slave/free statuses into a marked opposition looking like a black-and-white contrast, as opposed to places and times where social hierarchies looked more like 'shades of grey'.²² What, in other words, explains change from historical contexts where slave and free function like a dichotomy and contexts resembling what recent authors refer to as a 'continuum of dependency'? Partisans of the continuum theory often cite Stanley Engerman and David Eltis's introduction to volume 3 of the *Cambridge World History of Slavery* as their urtext,²³ as does Binsfeld in her chapter. In my understanding, Engerman and Eltis seek to contextualize slavery among other forms of coercion and dependence, but do not object to distinguishing clearly between slavery and freedom. Whether people are bunched into two internally homogeneous statuses (slave and free) or graded in infinitesimal gradations of status *between and within* these two statuses is a historically contingent question. Whatever the answer, the slavery/freedom binary remains relevant.

Perhaps an analogy with conjugal roles can help shed light on this issue: relative equality (or difference) in the prerogatives, rights, and functions of husband and wife in any one society does not entail the rejection of binary conceptualizations of the husband/wife roles. Kinship roles reflect the binary logics implicit in heteronormativity: legally, wives exist in monogamous, polygynous, and polyandrous relations, they can be internally ranked (first wives, head wives, junior wives, slave wives) and can exist alongside various types of institutionally recognized lovers and courtesans. A wife's rights and duties vary in time and space, but the roles of husband and wife are conceptualized as a pair. I do not wish to develop a comparison between 'slave' and 'wife', but only to think of examples of statuses that are imagined as a dichotomy, in spite of the actual gradations that may exist between and within the poles of the binary. Dichotomies can, and often do, coexist with gradations.

2. SLAVERY AS METAPHOR

Given the variety of roles and positions available to enslaved persons in any one society and at any one time, what does slave legal status do to both the chattel slave shackled in a dungeon and the wealthy *servus publicus* whose acts of euergetism are honoured through public statuary? Like other categories of slaves, public slaves are largely denied action on their own account. They act on behalf of others. Slaves are prototypes of dependence, powerful symbols of a full subordination that can erase the slave's legal persona and make them partake of the identity of their legal owner. Alberico Gentili, considered one of the founders of international law alongside Francisco de Vitoria and Hugo Grotius, put this in the clearest terms in his 1598 treatise *De iure*

22 Finley 1964: 249.

23 Engerman and Eltis 2011.

belli: ‘one who is made a slave becomes subjugated to the power of another person, reduced to the condition of an animal, denied his own nature and turned from person to thing’.²⁴ The social death metaphor suits these circumstances aptly and clearly. But to what extent is this specific theory of slavery, expressed with such clarity by Gentili in the British empire of Elizabeth I, the best analytical tool to analyze slavery elsewhere? Considering the pervasiveness of the slavery metaphor in the Greek thought of the fifth and fourth centuries BCE, Paulin Ismard highlights Xenophon’s portrayal of the *epitropos*, the steward who manages the domestic economy of the master, including the work of slaves and servants:

La figure de l'*epitropos* met ainsi en scène l'exercice d'un pouvoir par délégation impliquant un maître et son esclave, d'une part, cet esclave et les autres esclaves du maître, d'autre part, qui offre un modèle pour penser le commandement entre les hommes libres.²⁵

Slavery can symbolize social subordination and subjection. It can also evoke metaphysical hierarchy. In Plato, the primacy of the spiritual over the physical is metaphorically assimilated to the primacy of the soul over the body, the master over the slave. Ancient Greek thought envisaged a range of possibilities for the participation of slaves in the political life of the polis: in Socrates’ (or Plato’s) thought, slaves appear to retain a degree of political agency in the fulfilment of subordinate roles conducive to a balanced political life. Their individual skills are recognized, and they can—and should—contribute to the well-being of the polis. As W. L. Newman suggested in his classic commentary,²⁶ in this world the slave occupies a place at the bottom ranks of political life but accomplishes distinctive functions suitable to his/her status. S/he is in a metonymic relation of contiguity with other political roles in the polis and does not dissolve into the subjectivity of his/her master, a tool in the latter’s hands, a metaphor of the latter’s power. The politically integrated slave can in principle benefit from different degrees of social mobility. Ismard cites an episode in the *Athenian Constitution*, attributed to Aristotle, in which Thrasybulos, the general who won against the Thirty Tyrants, leading to the revival of democratic government, proposed to give Athenian citizenship to the soldiers who had fought with him, including the slaves amongst them. Here, the extension of citizenship to slaves appears as a possibility. It implies the belief that slaves can be elevated, through manumission, to the dignity of citizens (by logical implication, this proposition rejects the theory of the natural slave).

In Plato, political harmony seems to rest on the contribution of different entities, each of which has unique propensities that together may lead to the fulfilment of a greater design. This view assigns a *political* role to slaves, as well as to free men, as both free *and slaves* have distinctive roles to play in ensuring the smooth management of the state. Conversely, as Ismard has argued, Aristotle neutralizes the political dimension of slavery.²⁷ Aristotle’s natural slavery denies common humanity to slaves, for they could not exercise political agency as autonomous subjects. Aristotle explicitly criticizes authors who think that the science of politics is qualitatively similar to the science of commanding slaves; he criticizes, too, those who believe that slavery is contrary to nature and an unjust prevarication.²⁸ He posits a substantial distinction between the power of the master over slaves in the *oikos* and the political power exercised over free persons in the polis. The master’s power is primarily utilitarian and directed at employing (*chrēsthai*) the slave correctly.²⁹ The correct use of the slave, famously defined as by nature a living tool (*empsychon organon*) and a live article of property

24 Gentili 2008 [1589]: 480 (my translation from Italian).

25 Ismard 2019: 233.

26 Newman 1887: 109–11.

27 Ismard 2019: 245.

28 Arist. *Pol.* 1.2.1253b3 (trans. Rackham 1932).

29 Arist. *Pol.* 1.2.1253b33 (trans. Rackham 1932).

(*ktēma*),³⁰ is based on the master's acquaintance with 'slave science' (*doulikē epistēmē*), inferior to the science of political command.³¹

What sense to make of all this? The theory of the natural slave is the theory of the irredeemable slave, the most conservative theory of all: it posits that slaves are as they are by necessity and there is nothing people can do to change this; indeed, attempts to change the degraded status reserved for slaves would contravene the slave's predestined function and would be detrimental to all, slaves included. As a powerful corollary of this view, the conscience of the master is appeased as s/he relies on hegemonic ideology to think of him or herself as the benign patron of a being doomed to dependence. When slavery is seen as a natural condition, or as the outcome of God's will, then it is not an institution based on human convention that can be modified: it is a 'fact of nature', a recognition of the slave's divinely ordained intrinsic essence. This theory does not recognize itself as a theory—its felicitous condition depends on it being perceived as a statement of fact, a simple reading of how the world is or what God prescribes. Slaveholders can comfortably tell themselves that all they do is accommodate necessity and perform virtuously and patiently the burdens of mastery. Slavery is depoliticized because it is transplanted from the negotiable field of politics to the non-negotiable field of nature (or God's impenetrable design). The very possibility of the slave's political participation (Thrasyloulos' suggestion) is excluded a priori. The slave can only participate through the person of the master, as a tool that complements and empowers another's subjectivity.

The fundamental mechanism—the active ingredient, as it were—of theories of natural slavery is othering.³² Othering is achieved both symbolically and performatively. Naming, clothing, styling, and physiognomy conjure up popular perceptions of the slave as Other. Often selected from groups already othered in religious and/or racial terms—'enslavable Barbarians' in Paulo Farias's characterisation³³—slaves are culturally made to appear different in ways that turn physical appearance into a destiny of subordination. In this volume, Nida Nebahat Nalçacı tells us that the clothes of various categories of Ottoman public slaves in the fifteenth and sixteenth centuries made them recognizable and distinct from other free persons. Different categories of (hierarchically ranked) public slaves marked them out as different: captives on galleys wore shackles, and their skulls and faces were clean-shaven; other categories of public slaves with functions in the palace, public administration, or the army wore different types of clothing, hairstyle, or turbans. Roughly in the same period (sixteenth and seventeenth centuries), Anne Brogini discusses public slaves owned by the Knights of the Order of St John of Jerusalem (Hospitallers or Knights of Malta) and employed as rowers and in the building and maintenance of public infrastructure in Malta. They were mostly Muslims and Jews, but occasionally Christians. Non-Christian slaves wore iron shackles weighing 6 ounces, and their trousers were short enough to reveal the shackles, a distinctive sign of enslavement. All slaves wore characteristic black-and-white shoes, but clothing was different for Christian and non-Christian slaves. Fear of revolts meant that increasingly between the 1530s and the end of the eighteenth century subcategories of slaves were made to sleep in prisons and separated spatially and symbolically from free persons. After 1749 all Christian slaves had to sleep in the prison, too, alongside the more marginal slaves. Spatial segregation contributed to their distinctive attire to set them apart from free members of society.

Vijayalakshmi Teelock discusses public slaves owned by the French Crown in Mauritius in the eighteenth century. The practice of purchasing and owning slaves had been common to the administration of the French East India Company (1721–67) and the French Crown (1767–90), revolutionary Republican government (1790–1803), and empire (1803–1810). Government-owned slaves were employed in public infrastructure building works and in the island's gunpowder mills. In the latter, some slave workers were responsible for skilled tasks. Towards the end of the eighteenth century, the society of the Île de France was composed

30 Arist. *Pol.* 1.2.1253b28–33 (trans. Rackham 1932).

31 Arist. *Pol.* 1.2.1255b24 (trans. Rackham 1932).

32 I discuss othering and other moral rationales of slavery in Rossi 2021: 968.

33 De Moraes Farias 1980.

of roughly 95 per cent slaves, and only about 5 per cent free persons. In these extreme circumstances, enslaved persons were an internally diverse and stratified society—paraphrasing Finley’s notion of ‘society with slaves’ one is tempted to describe Mauritius as a ‘society with free’. Skilled government slaves received wages. Unlike private slaves, public slaves wore uniforms. Those employed in the Artillery Division wore badges and medals that signalled their rank (*grande* and *petite médailles*). Slavery was, clearly, an internally stratified status.

Like the Mauritian public slaves owned by the French East India Company, slaves in the forts of the Gold Coast were owned by corporate entities like the British Company of Merchants Trading to Africa, partly funded by the Crown and therefore ‘public’ to some extent. Smaller forts may have had just one or two dozen slaves, larger ones up to 200. In this issue Rebecca Shumway discusses cases where slaves counted roughly 40–50 per cent of the people living in the castles. Public and private slaves in Akan society could gain free status through various trajectories of assimilation, which for women often involved marriage with free men and giving birth to children who, though not free, enjoyed a better status than first-generation slaves. In company forts, absorption was harder to attain. Many fort slaves were born there, from unions between male and female slaves, or female slaves and free men, including Europeans, to whom slave women were sexually accessible. They could not, like the free-born, rely on kin to negotiate access to their sexuality. Female ‘company slaves’ worked, cared for the young and old, and provided ‘sexual services and companionship’. By giving birth, they reproduced the slave working force of the castle. Like other public slaves discussed in this volume, women slaves were paid, but their allowances amounted to about half of what male slaves received. In the racialized context of European forts on the coast of West Africa in the eighteenth and nineteenth centuries, slave women were sexually harassed and exploited, but also able to access a degree of security and social mobility through sexual liaisons with free men. Shumway gives examples of women, referred to as ‘wenches’,³⁴ who were mentioned with affection in their European partners’ wills.

Differences *within* slave status seem almost as important as the differences between slave and free. But this does not imply that slave/free differences do not matter. Different categories of imperial and public slaves do not appear dehumanized and apolitical even though, as slaves, they are entirely dependent on their masters’ will. This potentially totalizing dependence is enough to make them ‘slaves’. But is it enough to make them socially dead? Although certain categories of public slaves were marked out discursively and physically as Other, and sometimes altogether dehumanized (Aristotle’s natural slave), otherness does not equal death or what death symbolically stands for: complete inertia and sameness of all its victims reduced to ashes.

3. METAPHORS OF SLAVERY

In *Freedom Bound* Christopher Tomlins describes the transformation of slavery into a more lethal institution than it had previously been: the forms taken by enslavement in the Americas (and Caribbean)

began as transoceanic transplants, lifted from one context to be embedded in another. Taken together they suggest that Anglo-American slave regimes had plural origins. But these transoceanic transplants did not express anything like the detailed morphology of ‘social death’ characteristic of Anglo-American slave law. As settlements with slaves turned into societies with slavery, local innovations increasingly supplemented transplants, compensating for their deficiencies and limitations.³⁵

Tomlins’ study leaves little doubt as to the potential of slavery to become harsher over time: societies in which some groups own some slaves (Finley’s ‘societies with slaves’) can turn into societies where slavery is an important institution that touches most aspects of political and economic life and is minutely regulated

34 For a commentary on the changing meanings and uses of the term ‘wench’, see Harris 2019.

35 Tomlins 2010: 419.

(Tomlins' 'societies with slavery'), or where slavery is a fundamental institution that plays a major role in the economy and culture, and slaves are a demographically important group that inhabits all spheres of life (Finley's 'slave societies'). Moments of expansion in the demographic importance of slaves and of intensification of coercion and exploitation can be identified in all world regions and periods, including, for example, ancient Rome in the first century BCE, the Caribbean in the seventeenth and eighteenth centuries, the Old South in the early nineteenth century, and Africa in the nineteenth century. The drivers of intensification of coercion vary from case to case.

As Jeff Fynn Paul has shown, the development of monotheistic imperialism remolded slavery into something done to religious Others. This gave rise to sociogeographic divisions between (perfect or imperfect) no-slaving zones and slaving zones. In the Middle Ages and modern period potentially dehumanizing otherness was often expressed in religious terms in both Christendom and Islam.³⁶ Hannah Barker's study of the Mediterranean trade in Black Sea slaves vividly described the common culture of slavery of Christian and Islamic groups tapping into the same reservoirs of persons considered enslavable across Central Asia, Southern Europe, and North Africa between the thirteenth and fifteenth centuries.³⁷ Then in the fifteenth century racial criteria intensified. In the Atlantic world, they supported the development of regimes that systematically enforced the social death of the enslaved. By rooting otherness in nature, Atlantic racism followed a logic already present in Aristotle's theory of natural slavery but unfolded it with unprecedented systematicity and lethal efficiency on a global scale.

It is perhaps not surprising that Aristotle, a metic, emphasized the biogenetic inferiority of slaves through a theory that assigned greater weight to the demarcation between those allegedly 'naturally' fit or unfit for superior endeavours than to the demarcation between foreigner and Athenian.³⁸ When theories of natural slavery informed regimes of enslavement powered on the one hand by capitalist efficiency, and on the other by modern technologies of transport and coercion, they enabled oppression of enormous magnitude. But these ideas could gain (or lose) traction at any time and in any place. Ibrahima Thioub discusses how racializing notions of skin colour and blood purity underpin the most enduring slave systems in Africa.³⁹ By contrast, those African societies that enslaved their own, often through judiciary procedures, tended to be more assimilative of slaves and less focused on the allegedly natural inferiority of the enslavable.⁴⁰

There is no teleology in the emergence, or re-emergence, of slavery as social death. But industrialization and the spread of capitalism infused new energy into this ancient theory, leading to the massive and systematic dehumanization of Africans in the so-called New World. To cite Christopher Tomlins again, influential members of North American societies in the early nineteenth century consciously promoted the creation of

a distinct and highly consequential legal condition of being that has no prior existence within its institutional structure, qualitatively distinct from and absolutely subordinate to all other social and legal conditions of existence. It endows that condition with dedicated institutions, practices, and cruelties, considered necessary to ensure its indefinite perpetuation: specialized jurisdictions, elaborated restraints, calibrated corporeal punishments and mutilations, deliberate sanctioned killings. All are peculiar to that one condition of existence, to which no one not of that order of being is subject. And it defines by preemptive ascriptive characterization the identity of the population that shall thenceforth be confined within that condition.⁴¹

36 Fynn-Paul 2009; Fynn-Paul and Pargas 2018.

37 Barker 2019.

38 The importance of considering Aristotle's positionality to the development of his thought has been noted; see Austin and Vidal-Naquet 1972: 369; Whitehead 1975.

39 Thioub 2012.

40 Klein 2001; Memel-Fotê 2007; Nwokeji 2011.

41 Tomlins 2010: 411.

What Tomlins refers to is the deadly combination of institutionalized slavery and racism that pre-emptively made all Blacks socially dead natural slaves. Nowhere is the characterization of slavery as social death more appropriate. But is it always equally appropriate?

The social death metaphor is an accurate representation of the historical conditions of particularly marginal slaves. But under legal slavery slaves were an internally diverse category; some slaves were less likely to suffer social death, or be permanently enslaved, than others. Public slaves are a case in point of enslaved persons who generally do not quite fit the social death metaphor. They are responsible for many consequential actions. True, they are most often seen to act not on their own behalf, but on behalf of the person or institution they serve and (unlike free public servants) in principle *only* on behalf of such institution or person. Yet this is not a foregone conclusion. One would have to follow public slaves back into their homes and observe how they behaved towards their (*de facto* or *de iure*) wives and children, to what extent they were able to dominate and exploit others more vulnerable than them. One should examine how they disposed of their *peculium*, how often they used their resources to purchase slaves, and how they treated the latter. These options are denied to most slaves, but not all. One should follow public slaves into those spaces where they could act on their own account and analyze how they discharged their functions when they were able, albeit temporarily, to interpret the situation as they saw fit and make decisions that affected the lives of others. Let us look at some examples.

Bellama Ousman of Zinder (*bellama* is a title for court slaves in Hausaphone contexts), a royal eunuch in what today is southern Niger, was born around 1858 in the Sahr region of the Bagirmi sultanate.⁴² He had been enslaved as a child and had become a slave at the court of the Sultan of Bornu. He was then sold to the Sultan of Zinder Tanimum and served as a slave soldier. He was emasculated and turned into a eunuch in his mid-thirties, allegedly in punishment for having an affair with an ex-wife of the sultan (there are different versions of this story). Then Ousman became a court slave and eventually rose to the position of *bellama*. His first encounter with the French was in the hills around Zinder, where he was found hiding with 867 concubines and slave women from Sultan Ahmadou I's harem at the end of the nineteenth century. Reintegrated in his functions by the French officers, he progressively strengthened his relations with colonial authorities and conspired against the Sultan. He was able to turn French colonial occupation to his advantage and use his connections with French officers to overturn the Sultan's power. Like other royal and palace slaves in the Islamic world, his position had exposed him to immense cruelty, but had also given him power which he wielded as an individual feared by his enemies (including the sultan), and supported by his clients, who probably included the several other slaves whom French officers, convinced by the *bellama*, had put in place of former village chiefs. Slave, military slave, royal slave, eunuch, and eventually successor of the sultan whose destitution he orchestrated, *Bellama* Ousman was factually and symbolically alive and influential in his society and history.

Ideologies of natural slavery have, in certain historical circumstances, acquired momentum with tragic consequences. But they contain within themselves the seeds of their own demise because the humanity of dehumanized persons can only ever be hidden in plain sight. It can always be rediscovered, giving rise to moral and political conflicts over the wrongs done to those denied the chance to live out their human potential. And it can always be reclaimed, as in instances when slaves rebel or engage in endless acts of surreptitious resistance. Throughout the eighteenth century, global abolitionism developed hand in hand with the evolution of a universalizing logic that recognizes the basic human rights of all humans irrespective of race, religion, or identity. Slavery came to be seen as intolerable. Discrimination on grounds of supposedly 'natural' inequalities became increasingly contested. By the early twentieth century slavery had not ended, but slavery's legitimacy had been ruled out in international law—though not in all local ideologies.⁴³ Modern humanitarianism is incompatible with ideas of substantial difference between slave and free. In this ideological climate, 'slaves'

42 Lefebvre 2017.

43 Rossi 2020.

could officially only be conceptualized on a continuum with—indeed at the bottom of—other exploited groups, all human in the same way, no one ‘naturally’ destined to enslavement by his/her substantial otherness, but some criminally subjected to extreme exploitation.

The 1926 definition of slavery adopted by the League of Nations defined slavery, by analogy to property, as control tantamount to possession. With the legality of slave status abolished, only the condition of enslavement subsisted. There were extremely significant consequences to this pregnant point. The one most relevant to the present discussion is that public slaves disappeared from sight. With slave status delegalized, so-called elite slaves became invisible as slaves in the eyes of the law, even where groups existed who continued considering themselves ‘slaves’.⁴⁴ The privileges, or relative autonomy, inherent in their peculiar status amounted to conditions that would not meet the threshold of slavery for the purpose of prosecution in Western courts. Earlier and elsewhere, slave status had been inhabited both by chattel slaves and by individuals whose living conditions bore little resemblance with those of the most marginal slaves. But as the law abolished slavery as a *status*, it reconceptualized the *condition* of slavery as the most extreme form of exploitation. As Jean Allain explains:

Where human exploitation is concerned, it may be said that a true hierarchy does exist and though a practice may be tantamount to forced labour, to serfdom, or to debt bondage if it meets a certain threshold it will also be deemed slavery in law. In law this hierarchy is recognized as, for instance, the 1926 Slavery Convention speaks of preventing ‘compulsory or forced labour from developing into conditions analogous to slavery’.⁴⁵

After legal status abolition, prosecution for *de facto* conditions of enslavement occurred only when indicia demonstrated a very high degree of exploitation. Those slaves whose living conditions were bearable were, legally, not seen as slaves—they did not disappear, but we became partially blind to them as slaves. This led to paradoxical circumstances that were recognized by people positioned outside the global abolitionist worldview. Robin Maugham was visiting Timbuktu in 1958 when he collected the following statement from Ba’ana Salah: ‘I still belong to my master [...] and so do my four children. I know that the law today prevents my master from forcing my sons to go back to him. But if my master sent for them they would feel bound to go, for they know they are slaves.’⁴⁶ As far as we know, Ba’ana was not a royal or public slave. Although Maugham tells us close to nothing about him, Ba’ana appears to have been living autonomously in conditions that would not meet the threshold of coercion implied by control tantamount to possession and social death.

And yet, Ba’ana thought of himself as a slave, of his children as slaves, even though from the perspective of the French and international law of the late 1950s, he was free. Conditions of enslavement are recognized by law only where extreme exploitation (total control) can be proven. A hypothetical legal specialist travelling through Timbuktu might have contradicted Ba’ana and told him that no, he was not a slave. By the international legal standards set by the 1926 Slavery Convention, whose long genealogy cannot be discussed here, some of the public (and privately owned) slaves of the past would be classified as free. Ba’ana understood this. If historians are to make sense of people’s understanding of their lived experience (as distinct from the exogenous legal classifications imposed on them by foreign colonizers), Ba’ana’s designation of himself and his children as ‘slaves’ should be acknowledged analytically, just as Ba’ana acknowledged the different ideological standpoint of European travellers and administrators. We do not know what metaphors of slavery Ba’ana used when he reflected on this institution in Tamacheq, but they might have been different from either ownership or death.

44 Rossi 2021: 985.

45 Allain 2012: 153.

46 Maugham 1961: 164.

Still in the region of Timbuktu, about one century before Ba'ana's encounter with Robin Maugham, an enslaved man metaphorically compared himself to a mouse. Anjay Isa, the trusted slave of a wealthy Timbuktu merchant, expressed his contrition to his master in a letter in which he described himself as a 'mouse in the house of people'. In his words:

As for the fact that he said that I sold on credit: I did this only for one half load of tobacco, which I sold for 100,000 cowries on credit. This was a mistake by my part [. . .] Do not listen to everything that people say to you until you see me, God willing. To you, I am like the mouse in the house of the people: He does not abandon these people of the house. You and I are like that. So rest your heart in peace about me. From me you will see only things that please you. I swore an oath to God Almighty to never betray you. Even if people tell you that I am stealing your money, I will walk to you on my two feet, God willing. I will walk to you myself and you will do with me what you want, I prefer this to betraying you.⁴⁷

A mouse is powerless, fearful, and substantially different from humans. Anjay also attributed loyalty to the house mouse, who 'does not abandon the people of the house'. The rich correspondence between Anjay and others in his commercial network between the 1850s and 1890s, as translated and discussed by Bruce Hall and Yacine Daddi Addoun,⁴⁸ reveals complex identities, hierarchies within slave status, and rhetorical formulae that denote familiarity, respect, and facilitate the establishment of good working relations between persons in contexts where trust was indispensable. Anjay's master started one of his letters to Anjay as follows: 'From Ahmad al-Bakkay b. Isa b. Hmida to his brother and friend, and only then his slave (*ghulam*) Anjay, greetings to you and your family.'⁴⁹ Another slave wrote to Anjay in terms that suggest deference:

From the beloved and respectful brother al-Barka, slave (*ghulam*) of Shaban the cutler, to his beloved, excellent, honored brother – the most blessed (*al-abrak*), the most refined (*al-adib*), the most distinguished (*al-nabih*), the most highly esteemed (*al-a'azz*), he who has surpassed his mates, a shining light for the people of his time; may God help us and him – Unghi (Ajay) Isa. Greetings to you and everyone with you.⁵⁰

Anjay was not a public slave. He had an individual master, but also belonged to a corporate group united by ties of kinship, function, and business that was headed by his master. His identity was marked by slave, as opposed to free, status. But his rank was relatively high in the hierarchy of slaves who interacted with him regularly. In some relations and circumstances, he was dominated and dishonoured, but in others he was influential and honoured. His enslavement was not permanent: he could be, and seemingly was, manumitted. Like *Bellama* Ousman, he single-handedly influenced the life of others in significant ways and devised his own emancipation. His relative power and autonomy make him and others in similar circumstances, including many public slaves, unusual. They do not make them the ultimate slaves.

4. CONCLUSION

If there were many ways of being dead, 'social death' would suit the purpose. But if this notion is an apt way to sum up the tragic history of slavery and the potentially extreme oppression inflicted on the enslaved, it risks concealing the differences within the status and conditions of enslaved persons in global history. This was not Patterson's intention: he discusses at length, in various writings, differences across distinct forms of

47 Hall and Daddi Addoun 2013: 493–94.

48 Hall and Daddi Addoun 2013.

49 Hall and Daddi Addoun 2013: 486.

50 Hall and Daddi Addoun 2013: 486.

slavery in world societies.⁵¹ But this is likely to happen with increasing frequency and rigidity as Patterson's theory is contrasted to the 'gradationist' approaches mentioned earlier in this article. If this happened, Patterson's powerful metaphor would risk distorting, more than clarifying, comparative studies of slavery.

51 See for example [Patterson 2001, 2017, 2021](#).