The Abolition of Slavery in Britain.
Roman Arguments in the Houses of Parliament

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The abolition of slavery by the British Parliament was one of the most important steps on the path toward the elimination of slavery in the Western world. It was commonly accepted that abolition had to be achieved by a legal act, although it was deeply lain within the sphere of ethics. To encourage the authoritative bodies to make the decision, the representatives of the emancipation movement used different ways of persuasion. The arguments were drawn from many different sources and traditions, including Roman law. In this article, the author presents several civilian arguments used by some Members of Parliament to convince the others to abolish slavery in the United Kingdom and the British Empire.

Keywords: slavery; abolition; Britain; Roman law; Parliament

1. Introduction

1.1. Background information

One hundred and eighty-five years ago, on 28 August 1833, the Slavery Abolition Act obtained the royal assent of King William IV.¹ The act abolished slavery in the whole British Empire. Simultaneously it ended, at least theoretically, the long struggle to restore the freedom and dignity to thousands of slaves. In reality, further struggles lasted another few decades throughout the Empire.² Nevertheless, the year 1833 marked an important shift in British thinking about slavery.³

There is no doubt, however, that the aforementioned-emancipation could occur only thanks to the generations of abolitionists who had proclaimed their beliefs throughout the entire eighteenth and early nineteenth century. Their influence can be seen in various pamphlets and longer works distributed around Great Britain at the time. The efforts brought an effect in court circles and judgments delivered by the judges. Social feelings about slavery started to change.⁴ But only reaching a significant number of parliamentary members could guide the abolitionists to the final victory and make real change.

The arguments used by the struggling advocates varied. It is possible to enumerate, for instance, philosophical, theological, and commercial arguments.⁵ While abolition was predicted as a legal act, there can be no doubt that the legal arguments also played a crucial role. It cannot be denied, however, that slavery as such was part of the everyday

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¹ An Act for the Abolition of Slavery throughout the British Colonies; for promoting the Industry of the manumitted Slaves; and for compensating the Persons hitherto entitled to the Services of such Slaves (3 & 4 Will. 4, c. 73).
social panorama since antiquity. Finding legal disapproval for this form of personal dependence was not an easy task. The only successful, though not openly proclaimed, attempts were made by the medieval Church. It tended to emancipate the slaves working in ecclesiastical domains. This, indeed, was an example for lay feudal lords. According to Harold J. Berman, peasant slavery was nearly extinct in Europe by the thirteenth century. A slightly different opinion was presented by Richard H. Helmholz, who emphasised the fact that slavery was contrary to natural law and because of this, the Church and the canon lawyers believed it reasonable to do everything to evade the condition of a slave. There could be, however, no direct statement of the illegality of slavery as a part of the law of nations.

Besides canon law, another fundamental legal order which was known in Europe was the Roman law. Certainly, its impact differed in different parts of Europe, and England was not a stronghold of its reception, but its intellectual effect on the elites is well observed. One of the arguments for this claim is the use of Roman parabolas and analogies in the discussions regarding the abolition of slavery in England, and more broadly in the United Kingdom and the British Empire. It is possible to find references to the Roman civil law in the above-mentioned pamphlets and other literary pieces, as well as in some judgements issued by the courts. This article will present a selection of the so-called Roman arguments used during the antislavery debates that occurred in the Westminster’s Parliament.

1.2. Sources

Before the analysis will start, it seems to be reasonable to explain the type of sources which will be used. The parliamentary reports, today commonly known as the Hansard, can be traced back to the late eighteenth and early nineteenth century. The reporting tradition, however, can be traced to even earlier epochs. The special journals with the description of parliamentary talks were published in England at least since the sixteenth century. In the mid-eighteenth century, however, the greater than ever attempts to publish the content of parliamentary debates were often criminalized and were treated as a libel. Nonetheless, the newspapers’ reporting increased. In the wider context these struggles are nowadays interpreted from the perspective of freedom of speech and freedom of the press. The importance of reporting was also one of the crucial factors that led to the development of the political system of Britain. Among the other things, the publication and easy access to the parliamentary debates in the last decades of the eighteenth century totally changed the character of the electoral campaigns.

The early reports, such as the one which is the subject of the below analysis, were often shorthanded records of the parliamentarians’ statements. Sometimes, however, the preserved statements were reported only in the form of the

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8 The presence and influence of Roman law in England is a subject of many studies. It seems that although there could be no traces of civilian impact on the development of common law, the other legal systems which were active in England before 1876 (including the law of Admiralty or Ecclesiastical law) owe much to the civilian tradition and canon law. It was predominantly observed at the procedural level. In addition, Roman law was taught at Oxford and Cambridge since the twelve century. For most of that time, it was the only legal discipline lectured (canon law was ceased shortly after the Reformation, while the first formal teaching of English law can be dated back to the William Blackstone’s lectures in the mid-eighteenth century.
general description of the pivotal arguments. It was connected with the difficulties which the reporters experienced at the early stage of their work (lack of space, doubts as to the right to do the notes etc.).\textsuperscript{13}

The use of Hansard materials is not common among the historians, especially not common as a primary source of the research. However, it has been recently seen that this attitude is slowly changing.\textsuperscript{14}

2. The Abolition at the Parliament

2.1. The Slavery Problem in Parliament before 1788

The first legislative regulation that was planned to settle the status of slavery was enacted in 1548. The so-called Slavery Act of Edward VI was in fact directed against unemployed and vagabond servants who would be forced to work for their masters, even in shackles when needed, for a two-year period. It seems, however, that the Act was not very successful.\textsuperscript{15}

The "true" slavery question was taken up by Parliament in the late seventeenth and eighteenth centuries. At first, however, it was concerned mostly with the regulation of the slave trade. Eventually, the debate finished with the passage of the Africa Trade Act that literally removed all the impediments to the slave trade.\textsuperscript{16} In the following decades, the most crucial parliamentary discussions regarding slavery concentrated on the subject of the profits of the individual merchants, companies, or national profits from the trade. It was not an easy forum to discuss such subject as the emancipation of slaves.\textsuperscript{17}

The situation started to change from 1760s-70s, connected with the antislavery works published at that time. Among the leading authors who were writing on the cause were Granville Sharp\textsuperscript{18} and Thomas Clarkson.\textsuperscript{19} In the opinion of Seymour Drescher, the transformation of political culture in this era also played an important role. Parliamentary debates ceased to be the exclusive domain of MPs, Lords, and the narrow elite residing in London, but they came to be discussed and commented on all over the country thanks to the development of local newspapers, libraries, discussion clubs, etc.\textsuperscript{20}

2.2. The Early Abolition Legislation

The first major attempt to enhance the slaves' situation temporarily was the enactment of the Slave Trade Act 1788.\textsuperscript{21} Its aim was to limit how many slaves could be carried onboard British sea vessels. The reports of parliamentary discussions that preceded the proclamation of the Act 1788 did not make, however, any reference to the civil law tradition and the Roman concept of slavery.\textsuperscript{22}

The scanty report material brings only a few hints regarding the use of Roman-based arguments in the following years. Little reference to ancient history and law can be found in the reported discussion that was undertaken after William Wilberforce - an adherent abolitionists - presented a motion for the abolition of slavery on 2 April 1792.

\textsuperscript{13} John Vice, Stephen Farrell, \textit{The History...}, 13–15.
\textsuperscript{18} Andrew Lyall, \textit{Granville Sharp’s Cases on Slavery}, Oxford and Portland, OR 2017.
\textsuperscript{21} Slave Trade Act 1788 (28 Geo III, c. 54).
\textsuperscript{22} \textit{The Parliamentary History of England}, vol. 27, London 1816, cols. 495–506.
William Pitt the Younger had given a long speech in favour of the abolitionist movement.²³ The Prime Minister noticed that the slaves were once the key export product of the British Isles. He was referring to the times of Ancient Britain and its conquest by the Romans. He proclaimed that ‘even human sacrifices are said to have been offered in this island’²⁴ and then he quoted passages borrowed from Robert Henry’s *The History of Great Britain* that included a striking statement that ‘great numbers of slaves were exported from Britain, and sold like cattle in the Roman market’.²⁵ The accuracy of the above statement is nowadays questionable²⁶, but it worked as good rhetoric for the politician.

Another rhetorical figure was used by Pitt a moment later during the same speech when he was wondering whether it was right to differentiate between the situation of modern African slaves and their ancient counterparts. He asked the question: ‘why might not some Roman Senator (…), and pointing to *British Barbarians*, have predicted with equal boldness «There is a people that will never rise to civilization - there is a people defined never to be free - a people without the understanding necessary for the attainment of useful arts»²⁷.

The arguments and strong Prime Minister’s support for Wilberforce’s motion did not cause any effect and the new antislavery act was not passed. Nonetheless, the debate itself enjoyed great concern. The Prime Minister’s speech was circulated in the form of pamphlet all around the country.²⁸

2.3 The Road to the Slavery Act 1807

Another, this time a much more successful, attempt was undertaken fifteen years later when parliamentarians were debating on the abolition of the slave trade once more.²⁹ Roman arguments were again not popular, but during the discussions of 1807, two members of the House of Commons referred briefly to the experience of the Ancients.

During the session of 23 February 1807, Viscount Howick gave a long speech in favour of abolition. He first proclaimed the injustice of slavery, and then he stated that:

[He trusted] ‘that by this measure slavery will gradually wear out without the immediate intervention of any positive law, in like manner as took place in the states Of Greece and Rome, and some parts of modern Europe, where slaves have been permitted to work out and purchase their own freedom, and that such regulations may be adopted as have been in some of the Spanish and Portuguese colonies’.³⁰

Viscount’s claim was that slavery did not need the enactment of the abolition act, but it could cease itself. It could be gradually mollified by indirect actions, like granting the permit to self-purchase or to accumulate their own assets. The reference, made by the British aristocrat, to the Greek and Roman experience, meant that he had on his mind the legal instrument known in Latin as *peculium*. However, his belief that the property shared by the master to his slave

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²⁴ The Debate on a Motion for the Abolition of the Slave-Trade, in the House of Commons, on Monday the Second of April, 1792, Reported in Detail, London 1792, 171.
²⁵ Robert Henry, *The History of Great Britain, From The First Invasion of it by the Romans under Julius Caesar*, vol. 1, London 1771, 391.
²⁶ The information about the human sacrifices among the Celts can be found in Caesar’s (*De bello Gal.*, 6,16) as well as Strabo’s (4,5,4) testimonies. Modern scholars, however, have doubts about the reliability of these evidence, see Barry Cunliffe, *Britain Begins, Britannia. A History of Roman Britain*, 3rd ed., London 1991, 319.
²⁷ The Debate on a Motion, 172.
²⁸ The Speech of the Right Honourable William Pitt, on a Motion for the Abolition of the Slave Trade, in the House of Commons, on Monday the Second of April, 1792, London 1792.
²⁹ For the context of passing the 1807 Act see Drescher, ‘Public Opinion’, 57–63.
³⁰ House of Commons Debates, vol. 8, col. 954.
was a form of indirect concession to emancipation was well too optimistic. According to the recent research - also
debatable - the establishing of the peculium was rather an outcome of the contract of self-sale. It seems that the
handicapped members of the society were eager to enter into the contract under which they worked under someone's
custody in exchange for small but certain income. ¹³

A few weeks later, on 16 March 1807, Henry Thornton, ³² an MP representing the constituency of Southwark,
extensively discussed the harsh conditions of slaves working in the West Indies and commented that 'slavery in the
West Indies was a touch more severe than in the ancient world'. Additionally, he read:

'[A]n extract from the historian Gibbon, to shew that, when the sources of procuring slaves were cut off by the
union of Asia and Africa with the Roman empire, the Romans obtained them by the more tedious method of
propagation, which was promoted by mild treatment, and encouraging marriage'. ³³

Although Hansard's report did not mention the exact fragment from Edward Gibbon's *History of the Decline and
Fall of the Roman Empire*, it can be easily located in the second chapter of the first volume of the work of the English
historian. ³⁴

The Slave Trade Act 1807 abolished slavery in England but did not abolish slavery as such in the British Empire.
This is the reason why in the following decades few other attempts were undertaken to finalise the slavery issue. As
to the use of ancient references, the parliamentarians started a new practice - the comparative approach. Speaking
about the imperial struggles regarding slavery they made the connections between antiquity and modernity more
expected. And although it is proclaimed today that the imperialism as such has been introduced into the political
terminology of British society and policy in the late nineteenth century, the indirect ties between Rome and Britain
were fastened much earlier. ³⁵ One of the earliest solid ones can be traced back already to 1747 when the anonymous
work on Roman and British constitutionalism was published. ³⁶

2.4. The Post-1807 Parliamentary Debates on Slavery

In 1809, Richard Sheridan, a member from Ilchester tried to compare ancient slavery with its modern West Indies
equivalent. It was attempted, however, much more elaborately than in the case of previously-mentioned Thornton.
Sheridan believed that 'the slavery of the West Indies was unlike any other slavery; it was peculiarly unlike the
slavery of ancient days, when the slaves frequently attained to the highest dignities. Esop, Terence, and Seneca were
slaves. Was there a possibility that any of the unfortunate negroes now in the West Indies should emulate such
men?'. ³⁷ Sheridan's statement was clear as to giving the freedom to the slaves. As to the choice of the exemplary well-
established slaves, it must be admitted that Esop is traditionally treated as a slave and Terence was a slave in fact. In

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³³ *House of Commons Debates*, vol. 9, col. 134.
³⁴ 'But when the principal nations of Europe, Asia and Africa were united under the laws of one sovereign the source of foreign
supplies flowed with much less abundance, and the Romans were reduced to the milder but more tedious method of propagation.
In their numerous families, and particularly in their country estates, they encouraged the marriage of their slaves' (Edward Gibbon, *The
³⁵ Richard Hingley, *Roman Officers and English Gentlemen. The Imperial Origins of Roman Archaeology*, London and New York
2000, 19–20. The imperial comparisons were especially willingly made in relation to British presence in India, see e.g. James Bryce,
*The Ancient Roman Empire and British Empire in India. The Diffusion of Roman and English Law Throughout the World. Two
Historical Studies*, Oxford 1914 and Javed Majeed, *Comparativism and references to Rome in British imperial attitudes to India*, in:
³⁶ *A Parallel Between The Roman and British Constitution; Comprehending Polybius’s Curious Discourse of the Roman Senate*,
London 1747.
³⁷ *House of Commons Debates*, vol. 9, col. 145 (17 March 1809).
case of Seneca, it is odd to call him a slave. It is possible, though, that Sheridan had in his mind a passage from Tacitus that regards the relation between Nero and Seneca: *qui saepius libertatem Senecae quam servitium expertus esset.* The phrase signifies, however, a lack of Seneca’s servility towards Nero and his independence.

The same comparison was made again in July 1815 when the House of Commons debated the Slave Importation Bill. William Wilberforce, the long-standing leading figure of the abolitionists, proclaimed that ‘the general condition of slaves in West Indies, was worse than that of any description of slaves in ancient times.* A similar comparison between ancient and modern slavery was once more repeated by Wilberforce in 1823. In his opinion, in the East, slavery was part of the long social tradition. In his own words: ‘from time immemorial’. These ‘evils’, however, have nothing in common with the slavery in the West Indies. He added: ‘There the evil was of our own creation.*

An unprecedented number of Roman references occurred suddenly during the Commons’ debate on 15 May 1823. In his speech, George Canning, at that time the Foreign Secretary and the Leader of the House of Commons, evoked the authority of William Paley’s opinion about the gradual influence of Christianity on Roman slavery and the relaxation of its severity. He quoted an extensive passage from Paley’s essay on slavery derived from his work on moral philosophy. Later, Canning pointed out that slavery was fully functioning in Roman times when Christianity appeared on the scene. This politician observed that the owner had the power of life and death over his slaves, but he did not call it the *domenica potestas* nor did he mention any legal source. Instead of this, Canning quoted a passage from Juvenal’s satire: *Ita servus homo est?*, and he proclaimed that it would be wiser to base the argument on the pagan author who showed the ambiguity of the evaluation of slavery rather than on the religious argument. Nevertheless, Canning admitted that ancient slavery ‘vanished before the gentle but certain influence of Christianity.*

During the same discussion, Roman slavery was once more evoked by Daniel Sykes, a member from Kingston upon Hull, who declared that he was surprised to hear the parallel made between Roman and modern slavery. He acknowledged that:

[I]t seems to have been entirely forgotten in this comparison, that there is this great and obvious distinction, that the Roman slave was never excluded from giving testimony in a court of justice. (…) In our colonies, however, the slaves are wholly excluded from giving such testimony.*

Similar surprise was expressed by another MP, Henry Brougham, who had already supported Wilberforce in his abolitionist struggles in 1811 when it was declared that anyone engaging himself in the slavery trade committed a felony. Like the earlier surprised politicians, Brougham pointed out that it was impossible to compare ‘the negro slaves in the West Indies with the Roman domestic slaves’. Although the above-mentioned discussion was the very first vivid one in respect of slavery for many years, it ended without any legislative consequences. The subject returned to Parliament only a year later, in March 1824. Although the debates continued in both Houses of Parliament until the middle of July and King George IV assented

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39 *House of Commons Debates*, vol. 31, col. 1132 (05.07.1815).

40 *House of Commons Debates*, vol. 8, 2nd series, cols. 626–627 (18.03.1823).


42 *House of Commons Debates*, vol. 9, 2nd series, col. 281.

43 Ibid., col. 320.


45 *House of Commons Debates*, vol. 9, 2nd series, col. 332.
to the amended and consolidated ‘Laws relating to the Abolition of Slavery Trade’ on 24 July 1824, Roman arguments had never been expressly used.

In the following years, the abolition of slavery was from time to time the subject of parliamentary attention, but without much recognition. Arguments from the Roman examples were also abandoned. This might be a consequence of the earlier critique of comparing ancient and modern slavery. Only once was the Roman example mentioned, when in March 1826 Lord Redesdale asked a question about the proportion of slaves to the whole Roman population. The question, however, did not carry any further essential conclusions.

After a series of reports on the state of slavery in different colonies was produced, a complete discussion on the subject took place in the House of Commons in May 1826. The Roman allusion was once more repeated by Canning who, like three years earlier, decided to insert a bit of Latin into his speech. This politician was again presenting his views on the influence of Christianity on the elimination of slavery in late Antiquity. He noticed that ‘while Christianity has thus blessed and improved mankind, its operation has not been direct, precipitate, or violent’. He then concluded sublimely ‘While the doctrines of Christianity were preaching in the streets of Rome, - “servi cruciantur” continued to be the ordinary form of process in the Forum, not for the punishment of the slave who had been convicted of a crime, but for extracting evidence from one produced as a witness’.

2.5. The Abolition of Slavery throughout the Empire

The final disposal of the slavery question and its abolition in all the British colonies took place in 1833. Already in May of the previous year, some debates on the subject were held in Parliament. Regular discussions, however, took place from February until August 1833 and they finished with the promulgation of ‘An Act for the Abolition of Slavery throughout the British Colonies’. By this Act, the struggles for the emancipation of the slaves which had taken place over many decades finally succeeded (some exceptions, however, like the existence of slavery in the East India Company’s estates were still in force for the next decade). The abolition of slavery simultaneously saw the abolition of Roman (or ancient) arguments in the relevant parliamentary discussions. Comparisons with the Roman law were not made by any politician debating the slavery issue in 1832 or 1833.

It is interesting to mention one additional civilian reference that had been made in February 1819. The House of Commons discussed the problem of appointment of the commissioner offices regarding the execution of the international treaties regulating an international slave trade. It seems that the primary idea was to trust the offices to a group of English civilians. Yet, both notable civilians and members of Parliament - Sir Christopher Robinson and Dr Joseph Phillimore (then Regius Professor of Civil Law at Oxford) - cast away such a suggestion. Robinson assured that ‘the utmost diligence had been employed’ to find proper civilians and Phillimore added that ‘if the civil law bar furnished no candidates for these offices, at least there might have been many found among the junior members of the common law’.

3. Conclusions

To sum up the above deliberations, it must be said that the civilian argumentation did not play a primary role in the parliamentary discussions regarding the abolition of slavery. In most situations, they were added casually without any further intention. Besides, in most situations, the references regarded slavery as a general concept, rather than its

46 5 Geo. IV, c. 113.
47 House of Lords Debates, vol. 14, 2nd series, col. 1159 (07.03.1826).
48 The condition of slavery in Antigua (14.04.1826), in Demerara and Berbice (20.04.1826) and on Mauritius (09.05.1826).
49 House of Commons Debates, vol. 15, 2nd series, col. 1361 (19.05.1826).
50 Ibid.
51 3 & 4 Will. 4, c. 73.
specific regulations. A few observations can be, however, made. It needs to be emphasised first that in the eyes of the members of Parliament, Roman slavery, although equally dishonouring for man and woman as its modern counterpart, was viewed as less cruel. The appropriate comparisons were made on several occasions. Roman slavery was always presented as more humane. Parliamentarians were attempting to show the improving features of ancient slavery. They noticed the ancient slaves’ ability to self-purchase and gaining freedom as well as the ability to manage separated property transmitted by the owner (peculium). It was reminded also that the slaves could testify in the court of justice, though usually under tortures. The social importance of the slaves was emphasised also by mentioning the names of some slaves who obtained social authority. It is more than certain that all of these examples are great illustrations of good political rhetoric. They all sound reasonable, but at the same time, they represent just single cases and not general contexts. It looks like the parliamentarians would reduce the Roman enslavement only to its domestic form. In fact, many slaves were working in the production process just as the Caribbean plantation slaves. On the other hand, it is true that in the times when the Romans were not fighting the wars, the slaves were treated rather with great care and were considered as valuable “merchandise”.

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54 For the life conditions of Roman slaves see Keith Bradley, Slavery and Society at Rome, Cambridge 1994, 81–106.


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