Anglo-Saxon England Vol. 49, Dec. 2020, pp. 253–
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doi:10.1017/S0263675122000175

Slave Resistance in Early Medieval England

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ABSTRACT

Considering early medieval slave resistance proves difficult, given our limited knowledge of all people of low status, especially slaves. Without oral histories, slave narratives, or strong indications of agency, we cannot confidently move beyond discussion of what slave-owners feared into what slaves intended. In lieu of broad discussion of slave agency for early medieval England, we can speak instead of the anticipated problems of slave-ownership. Elites were most concerned by behaviours which could fall into three overlapping categories of 'problems': those of property ownership, labour and violence. Each issue focusses heavily on legal responsibility for actions by slaves within a communal compensation-based legal system. Examination of these fears indicates that lawmakers and slave-owning elites were consistently engaged in problematizing slave-ownership, either in reaction to known slave behaviour or in anticipation of it. What emerges, then, is a situation in which both real and imagined acts of resistance helped shape ideas of power and authority both at a personal and administrative level. The expectations of slave behaviour also illuminate some aspects of slavery's role in society.

There are no slave revolts recorded in early medieval England. We know of no Harriet Tubmans, who sacrificed in defiance of a brutal institution, and we have no Frederick Douglasses or Solomon Northups, who documented the agency and intent behind the daily actions of enslaved people. Our sources for early medieval slavery were almost exclusively written by elites, for elites – none of whom cared much about slaves beyond how these people impacted elite lives and the well-being of a Christian society. And yet, it would be remiss to believe that in this context we cannot understand something of slave resistance, the violent and non-violent acts intended to either frustrate individual slave-owners or oppose slave status altogether. By combining an awareness of how slaves resisted in better-documented modern and pre-modern societies with the fragmentary early medieval evidence, we can begin to probe the limitations of these early medieval sources, as well as better understand the contexts in which they were written and the circumstances to which these authors sought to respond. Approaching early medieval slavery from this angle elucidates the subtle, but significant, ways in which slave behaviour influenced the world of the elites, as well as something of the day-to-day lives of the enslaved.

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SEARCHING FOR SLAVE RESISTANCE

The meaning and significance of slave 'resistance' has been a subject of much debate over the course of the past eight decades and has largely centred around black enslavement in the Americas. Herbert Aptheker's *American Negro Slave Revolts*, first published in 1943, was the first work to challenge the image of content and docile slaves put forth by Ulrich B. Phillips in his multitude of publications depicting benign, paternalistic slavery in the southern United States.[1] Over the ensuing thirty years, Phillips' ideas were systematically dismantled, notably by Kenneth Stampp, who argued for both violent and non-cooperative opposition by slaves in the South, and Eugene Genovese, whose intensive study of these methods throughout the western hemisphere has continued to shape our understanding of slave resistance.[2] This could comprise everything from violent rebellion, flight and suicide to more quotidian sabotage, dilatoriness and theft, and was by no means limited to slavery in the Americas.[3] While scholarship published in the 1960s and 1970s either overtly or implicitly privileged organized revolt over individual acts of non-cooperation,[4] James C. Scott argued in 1985 for a more expansive view of resistance through his study of a modern peasant agricultural community in Malaysia. He insisted that everyday personal acts of non-cooperation are perhaps even more influential than revolt, as they accomplish more for those who resist.[5]

Considering early medieval slave resistance proves difficult, given our limited knowledge of all people of low status, especially slaves. Without oral histories, slave narratives, or strong indications of intent, we cannot confidently move beyond discussion of what slave-owners feared into what slaves wished to achieve. Sporadic laws illustrate only how elites sought to manage their human chattel, and ecclesiastical texts provide stylized accounts intended to reinforce specific Christian values. Sources for rebellious or deviant slave behaviour are overwhelmingly normative, and only occasional descriptive sources provide some indication of the reality influencing these predominately legal texts. Even for ancient slavery, where discussion of slave behaviour is far more common in surviving texts, still-limited

[1] H. Aptheker, *American Negro Slave Revolts* (New York, 1943); for example, cf. U. B. Phillips, *American Negro Slavery* (New York, 1918).

[2] K. M. Stampp, *The Peculiar Institution: Negro Slavery in the American South* (London, 1956); E. D. Genovese, *Roll Jordan Roll: The World the Slaves Made* (New York, 1972).

[3] For example, the chapters dedicated to slave resistance in the *Cambridge World History of Slavery* series.

[4] Genovese, *Roll*, pp. 597–98; G. M. Fredrickson and C. Lasch, 'Resistance to Slavery', *The Debate over Slavery: Stanley Elkins and his Critics*, ed. A. J. Lane (Chicago, 1971), p. 226; G. W. Mullin, *Flight and Rebellion: Slave Resistance in Eighteenth-Century Virginia* (Oxford, 1972), pp. 35–6.

[5] J. C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven, CT, 1985), pp. 32 and 292–99.

https://doi.org/10.1017/S0263675122000175 Published online by Cambridge University Press

source material and a lack of slaves' perspectives means that a desire by slaves to overturn the *status quo* can be neither confirmed nor disproven.[6]

Where slave resistance has been discussed for medieval Europe, it is in many cases limited to the perception of slaves as the 'domestic enemy', that is: inherently untrustworthy members of the household to whom masters paradoxically left themselves most vulnerable.[7] Resistance by the unfree has featured more prominently in Marxist historiography, where its contribution to 'class struggle' makes it an inevitable consequence of oppression, and therefore a potential contributing factor in the demise of slavery.[8] Chris Wickham has framed collective disputes by the unfree within a wider context of peasant resistance in order to illustrate increasing aristocratic power in the early Middle Ages, though the lack of such movements in England remains a glaring exception.[9] Each of these interpretations acknowledges the range of violence and non-cooperation inherent in slaveholding societies, but by considering slave resistance as something distinct from free peasants' grievances such as taxation, we are able to explore what the forms of resistance available to the unfree – and elites' responses to them – reveal about the practice and conceptualisation of slavery in an early medieval society.

While it is impossible to speak broadly of slave intent in a sparsely-documented early medieval context, the issue of slave behaviour certainly impacted matters beyond household mistrust. In early medieval England, we can speak of the anticipated problems of slave-ownership, which became folded into legal mechanisms. Elites were most concerned by behaviours which could fall into three overlapping categories of 'problems': those of property ownership, labour, and violence. Each issue focusses heavily on legal responsibility for actions by slaves within a communal, compensation-based legal system. Examination of these fears indicates that lawmakers and slave-owning elites were consistently engaged in problematizing slave-ownership, either in reaction to known slave behaviour or in anticipation of it. Many of these fears reflect those perceived of other statuses; any

[6] T. Urbainczyk, *Slave Revolts in Antiquity* (Berkeley, 2008), pp. 4–27; P. Hunt, *Ancient Greek and Roman Slavery* (Hoboken, NJ, 2018), pp. 75–80.

[7] A. Rio, *Slavery after Rome 500–1100* (Oxford, 2017), pp. 169–70; I. Origo, 'The Domestic Enemy: the Eastern Slaves in Tuscany in the Fourteenth and Fifteenth Centuries', *Speculum* 30 (1955), 321–66, at 340–2.

[8] R. Samson, 'The End of Early Medieval Slavery', *The Work of Work: Servitude, Slavery and Labor in Medieval England*, ed. A. J. Frantzen and D. Moffat (Glasgow, 1994), pp. 95–124, at 105–08; P. Dockès, *Medieval Slavery and Liberation* (London, 1982), pp. 215–17; P. Bonnassie, *From Slavery to Feudalism in South Western Europe* (Cambridge, 1991), pp. 48–51.

[9] C. Wickham, *Framing the Early Middle Ages* (Oxford, 2005), pp. 578–88. See also C. Wickham, 'Space and Society in Early Medieval Peasant Conflicts', *Settimane di Studio del Centro Italiano di Studi Sull'alto Medioevo* 50 (2003), 551–85 and C. Wickham, 'Looking Forward: Peasant Revolts in Europe, 600–1200', *The Routledge History Handbook of Medieval Revolt*, ed. J. Firnhaber-Baker and D. Schoenaers (London, 2017), pp. 155–67.

https://doi.org/10.1017/S0263675122000175 Published online by Cambridge University Press

group could commit theft or enact violence. Nevertheless, the ways in which sources treat slave behaviour reveal not only the unique position of slaves as human property, whose actions forced questions of legal responsibility, but also slaves' position in society and the recourses available to them. Both real and imagined acts of resistance also helped shape ideas of power and authority personal and administrative levels, and focus here will remain on conduct which was construed as rebellious or destructive, which excludes problems for slave-owners such as slave inheritance or marriage.

This article invokes comparison throughout to the large-scale slave societies of the ancient and early modern worlds, in which enslaved people and their labour served as the defining features of social and economic organization. The extensive scholarship for these contexts, built on the foundations of relatively plentiful source material, has defined the study of slave resistance for Europe and the Americas and, to some degree, globally. The practice of slavery throughout human history tends to result in similar behaviours and institutional mechanisms, and so the forms and meanings of resistance in true slave societies can offer something to the early medieval English context despite its fundamentally different scope as a small-scale slaveholding society.[10] Comparing the landscape of early medieval unfreedom with, for example, plantation slavery in the Americas allows us to identify patterns as they emerge and, crucially, to query them when they do not. For slave resistance, this methodology forces us to consider how available medieval source material might obscure or highlight certain actions, and importantly, what elites' fears can tell us about the nature of slavery. This approach gives some clarity to not only what early medieval slavery *was* but also what it was *not*, both critical considerations for study of a poorly-documented institution and for its situation within a broader understanding of historic unfreedom.

THE CONTEXT OF SLAVERY

The emergence of slavery entirely distinct from its Roman predecessor socially and legally, as well as contemporary developments in law and central authority, make early medieval England a discrete and important case study for examining perceived slave resistance across the four and a half centuries (*c.* 600–1066) for which there are sufficient contemporary records and in which slavery remained widespread. Our dependence upon legal material means that visible developments are largely restricted to and symptomatic of the increasing complexity of law and the concept of kingly authority, but we can still place this within the overarching context of slavery.[11] Chattel slaves in their strictest sense, people who were

[10] The classic study of these patterns is O. Patterson, *Slavery and Social Death* (Cambridge, MA, 1982).
[11] For example, P. Wormald, '"Inter cetera bona genti suae": Law-Making and Peace-Keeping in the Earliest English Kingdoms', in his *Legal Culture in the Early Medieval West: Law as Text, Image and*

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directly and arbitrarily subjected to an owner or lord and were often saleable as property, were located at the far end of a spectrum of unfree personal statuses whose obligations varied down to an individual or estate level.[12] Latin and vernacular terminology associated with unfreedom indicates that meanings could change over time and by region, exemplified by the Latin *servus* (masculine) and *ancilla* (feminine) which probably denoted chattel slavery or something similar in the seventh century but may also have referred to unfree tenants in the twelfth. Slavery may be easier to pinpoint in vernacular terminology such as *þeow/þeowen*, *wealh/wiln*, and the later Old Norse borrowing of *þræll* thanks to their appearance in legal texts, but other identifiers of unfree servitude such as *esne* were still important in considerations of resistance even though they may not have referred to slaves *per se*.[13] The confines of these statuses on an individual level were dictated by factors such as local custom and lord-dependant relationship, and this relationship, either on the pragmatic level of documentary texts or the idealized one of normative ones, is the lens through which we perceive all examples or threats of misbehaviour and rebelliousness. It may have mattered little to a lord whether the offender was an unfree *esne* or a more archetypically enslaved *þeow* so long as honour was satisfied and property secured. Discussion of 'slave' resistance here is admittedly misleading, but this phrase situates the conversation in relation to scholarship for non-medieval contexts likewise focussed on the actions of unfree people living under absolute or heavy subjection to others.

Elites anticipated resistance in any environment where slaves were deployed, including urban, rural, domestic, and agrarian contexts. The paucity of our source material makes these circumstances appear more static than they probably were, but a close-quarters, household slavery conducive to a perception of slaves as the 'domestic enemy' exists in our earliest sources concerning the position of the king's grinding slave (OE *grindende þeowa*) and the personal servant (OE *birele*) of either an *eorl* or a *ceorl* noted in Æthelberht of Kent's law code from the early seventh century.[14] An entrenched sense of mistrust by slave-owners is implicit in the petty accusations of misconduct portrayed in the late-tenth-century lives of St

Experience (London, 1999), pp. 179–99; T. Lambert, *Law & Order in Anglo-Saxon England* (Oxford, 2017), pp. 207–10.

[12] P. Hyams, 'Servitude in Anglo-Saxon England: Searching for the Serfs', *Languages of the Law in Early Medieval England: Essays in memory of Lisi Oliver*, ed. S. Jurasinski and A. Rabin (Leuven, 2019), pp. 127–53.

[13] For an in-depth analysis of the Old English terminology including chronological and geographical variation, D. A. E. Pelteret, *Slavery in Early-Medieval England: from Alfred the Great until the Twelfth Century* (Woodbridge, 1995), pp. 261–330.

[14] These are all enslaved women. *Die Gesetze der Angelsachsen*, ed. F. Liebermann, 3 vols. (Halle, 1903-1916), I, 3 (§11), 4 (§14, §16); translation in F. L. Attenborough, *The Laws of the Earliest English Kings* (Cambridge, 1922), pp. 4–7.

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Swithun.[15] By the tenth century, the value of goods entrusted to specialized enslaved laborers on estates and the significance of the work undertaken by these unfree seamstresses, goldsmiths, dairymaids, ploughmen, and swineherds may have heightened lords' sensitivity to ways and means by which their control could be subverted. Though they worked in pastures and workshops, these unfree people laboured on the most intensively-exploited 'inland' part of estates, making the threat of resistance an immediate concern to elite landowners in contrast to the freer and more lightly-subjected peasantry of 'warland'.[16]

It may be no coincidence that this diverse slave labour appears in the context of testamentary manumission, given that emancipation has often been deployed in slaveholding societies as incentive for good behaviour. Manumission is known sporadically from earlier centuries in England, but by the tenth and eleventh centuries it appears regularly in both secular and ecclesiastical wills and, in the southwest, in manumission records such as those preserved in the Bodmin Gospels (London, British Library, Add. MS 9381). This could reflect the increased use of manumission as a negotiating tactic to deter resistance or even a waning interest by landholders in owning slaves, but more likely the sudden conspicuousness of this phenomenon results from the popularization of written testaments coinciding with a local interest in documenting what appears to have already been a standardized, customary process. Though cash payments by the enslaved played a role in some of these, good behaviour was doubtlessly an important component, especially for those penal slaves manumitted in the wills of secular and ecclesiastical elites.[17]

Where we do detect a definitive change in slavery, and thus in the potential for slave resistance, is in the second half of the eleventh century. Little Domesday Book records fewer *servi* on estates in 1086 than in 1066, suggesting that the numbers of *servi* declined following the Norman conquest. This evidence provides our only opportunity to quantify a potential enslaved population in early medieval England, and estimates have situated this at about ten to twelve per cent of the total population in the mid-eleventh century.[18] There is ongoing discussion as to whether these *servi* and the rarer *ancillae* were slaves at all, but Alice Rio has suggested that their decline may nevertheless be a result of concessions by newly ensconced Norman lords designed to prevent resistance from their unfree

[15] Lantfred, *Translatio et Miracula Sancti Swithuni,* in *The Cult of St Swithun*, ed. M. Lapidge (Oxford, 2003), pp. 330–2 (§38) and 302 (§20). See also discussion at p. 23.

[16] R. Faith, *The English Peasantry and the Growth of Lordship* (London, 1997), pp. 59–70.

[17] Pelteret, *Slavery*, pp. 109–30 for manumission in wills and pp. 140–56 on manumission ceremonies and payments.

[18] For example, J. S. Moore, 'Domesday Slavery', *ANS* 11 (1988), 191–220, at 210–11. For the problems inherent in estimating the entire slave population from Domesday, see Pelteret, *Slavery*, pp. 190–2.

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tenants. By letting unfree personal status go unenforced, lords placed economic extraction ahead of the technicalities of legal status; so long as tenants provided goods and labour without dispute, it did not immediately matter whether these people were free or not.[19] With the disappearance of slavery from our sources in the decades following the Norman conquest, so too ends our opportunity to understand slave resistance.

PROBLEMS OF PROPERTY OWNERSHIP

The problems arising from the categorization of certain human beings as property appear to have remained at the forefront of early medieval legal minds. That this property could flee, seek refuge, steal, form unsanctioned relationships and even challenge status, forced questions and concerns regarding the extent to which slave-owners, slaves, and their wider communities could be held responsible. These issues of ownership encompass the problems created by slaves' status as property themselves, as well as slaves' interaction with other property.

FLIGHT

Flight remains one of the most visible issues of slave-ownership, appearing in law codes and hagiography, though sociolegal structures in which even free people were sometimes unable to leave their lord's land or service without permission complicate our discernment of real cases rather than idealized narratives or legal generalisations.[20] Charters issued by William II in the last decades of the eleventh century refer to the discovery and return of individuals living on other estates without permission.[21] Most likely, however, these were free men who sought new lordship and better terms of service; they appear to have left the estates with their livestock in tow, which does not suggest the furtive movements of a runaway slave.[22] As a result, our interpretation of slave flight is limited to perceptions by owners of runaways and the attempts of royal administrative structures to clarify responsibility for flight in a compensation-based legal system. This top-down perspective nevertheless indicates great concern for the retrieval of runaways and the protection of slave-owners' property rights. Even if flight occurred rarely, it

[19] Rio, *Slavery*, pp. 208–9.

[20] Ine §39 (*Gesetze* I, 106), II Edward §7 (*Gesetze* I, 144), III Æthelstan §4 (*Gesetze* I, 170); ed. Attenborough, pp. 48–9, 120–21, 144–45.

[21] *Chronicon Abbatiæ Rameseiensis,* ed. W. D. Macray (London, 1886), p. 212 (§193, 1087 × 1099). *Regesta Regum Anglo-Normannorum 1066–1154* I*: Regesta Willelmi Conquestoris et Willelmi Rufi*, ed. H. W. C. Davis (Oxford, 1913), 101 (§399, 1093 × 1097). *Eynsham Cartulary*, 2 vols, ed. H. E. Salter (Oxford, 1907), I, 50–51 (§28, 1093 × 1100). On the flight of free people, Hyams, 'Servitude', pp. 139–41.

[22] Pelteret, *Slavery*, pp. 170–1.

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could significantly impact local communities and the maintenance of law and social order.

Where fugitive slaves were also offenders, primary responsibility and punishment lay with the slave. The West Saxon law code promulgated by Ine between 688 and 726 and reissued by Alfred in the late ninth century stipulates hanging as the punishment for runaway penal slaves and denies any kind of compensation to the owner.[23] This tells us plainly that while English penal slaves may have been considered more eligible for manumission than, for example, enslaved captives, lawmakers still anticipated escape attempts.[24] It also indicates that owners could not make claims regarding those who had proven themselves repeat offenders. Having already committed a crime severe enough to warrant enslavement (such as theft), runaway penal slaves were considered untrustworthy and irredeemable, and therefore faced a punishment sure to act as a deterrent for their fellows. That slave flight was considered a form of theft in West Saxon law is made obvious by the phrasing, 'Gif witeðeow Engliscmon hine forstalie', literally, 'If an English penal slave steals himself'.[25]

More frequently, law sought to outline third-party accountability for flight and took a preventative approach. Ine aimed to establish responsibility for unintentional or deliberate actions which could precipitate an unfree person's flight, namely allowing a servant to access tools for escape. Heavy compensation payments were due to a lord by anyone who lent a sword, a spear, or a horse to an *esne* who then absconded.[26] The payments increased according to the ease with which the item facilitated flight and thus the loss of property. A sword would have enabled violent confrontation, but only at close quarters where the *esne* could still be subdued, and thus the lender owed only a third of the servant's value. A spear would have allowed for an *esne* to injure or kill from a distance to slow or prevent pursuit, so the lender owed half. A horse would have allowed for an immediate and fast escape, and so the lender owed the *esne*'s entire value. On one hand, this law could have served as a preventative measure which forced individuals to consider

[23] Ine §24 (*Gesetze* I, 100); ed. Attenborough, pp. 44–45.

[24] Regarding the negotiability of manumission as part of penal enslavement, A. Rio, 'Penal Enslavement in the Early Middle Ages', *Global Convict Labour*, ed. A. Lichtenstein and C. G. de Vito, (Leiden, 2015), pp. 79–107, at 92–97.

[25] *Gesetze* I, 100; ed. Attenborough, p. 44. This wording curiously mirrors that of Roman law and does not appear in other English law codes: 'Servum fugitivum sui furtum facere', *The Codex of Justinian*, ed. B. W. Frier, S. Connolly, S. Corcoran, M. Crawford, J. Noël Dillon, D. P. Kehoe, N. Emmanuel Lenski, T. A. J. McGinn, C. F. Pazdernik and B. Salway, 3 vols. (Cambridge, 2016), II, 1406 (6.1.1). Justinian's sixth-century Code was largely ignored in western Europe until the second half of the eleventh century, and the parallel with Ine's code merits further study. See also J. F. Winkler, 'Roman Law in Anglo-Saxon England', *Jnl of Legal Hist.* 13 (1992), 101–27. I am grateful to Lorren Eldridge for bringing Justinian's language to my attention.

[26] Ine §29 (*Gesetze* I, 102); ed. Attenborough, pp. 44–45.

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the unintended consequences of arming the unfree, such as injury to others or a loss of property. On the other, this law could punish those who purposefully aided slaves in escape attempts. This interpretation suggests that Ine and the elites of his court worried that the unfree could form and utilize support networks to gain access to these luxury items.

Tenth-century law likewise sought to pre-empt any loss of property and establish a sense of communal responsibility for retrieving runaways. VI Æthelstan, promulgated 925 × 939, also placed the onus for deterring flight upon the slave and slaveholding communities. Under this law code, recaptured runaways were to be stoned to death in an execution identical to that of slaves convicted of theft, further illustrating the legal concept of a runaway as a special type of thief. Those responsible for stoning in turn owed a collective payment to the fugitive's owner for the loss of his property.[27] This also mirrors the treatment of slaves convicted of theft, and it complements Æthelstan's assertion in the same law that all, presumably free, members of the community were to pursue the fugitive and owe compensation to the slave-owner should the slave elude their grasp.

This use of 'duty to pursue' against runaway slaves proves significant. Royal law of the tenth century reflects a shift in legal ideology in which the duty to pursue thieves moved from an assumed and accepted practice to an obligation. Tom Lambert argues that the duty to pursue was not a requirement of royal law until the promulgation of III Edmund (939 × 946) and the *Hundred Ordinance*, but understanding a fugitive slave as a type of fugitive thief suggests that the development of a 'duty to pursue' as an obligation of a participatory and communal legal system could be dated even earlier to VI Æthelstan, and attributed directly to perceived slave resistance.[28]

The standardization of this communal responsibility also appears somewhat later in the legal text *Forfang*, a code generally concerned with the retrieval of stolen property which was possibly composed in the second half of the tenth century. This text offered a reward of fifteen pence for any man who retrieved a fugitive or a horse, regardless of the distance.[29] Certainly the retrieval of a man included thieves and other lawbreakers, and the inclusion of valuable mobile property such as horses suggests that the human fugitives in question could also include runaway slaves. Practically speaking, financial incentive must have functioned in conjunction with royal law and substantial communal pressure to seek out runaways. While allowing runaways, thieves, and other offenders to remain at large threatened the communal peace (OE *friþ*) of the realm, runaway slaves in particular challenged the social hierarchy and permitted a fluidity of status beyond the

[27] VI Æthelstan §6.3 (*Gesetze* I, 176–78); ed. Attenborough, pp. 160–61. See below, p. 17.
[28] Lambert, *Law & Order* (Oxford, 2017), pp. 269–70.
[29] *Gesetze* I, 390.

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bounds of accepted legal and social procedure.[30] This reflects the situation in Ine's law, which indicates that being party to abscondment constituted criminal behaviour, even if the lending of a weapon amounted only to gross negligence. With the delineation of their own status at stake, many free people, especially the poor, must have felt a sense of gravity in hunting a fugitive slave, and the possibility of a monetary reward may have ensured that they left their own work for as long as necessary.

We are limited in our understanding of when and why slaves fled, as well as who these fugitive slaves were, again because of the top-down perspective of our surviving sources. That lawmakers worried about the potential for and implications of slave flight throughout the early Middle Ages indicates that slaves did attempt to seek freedom through escape. Even if we prioritize elite fears of escaping slaves over a reality of 'resistance', it is still possible to hypothesize when and where slaves were most able to flee. We can presume that confusion caused by warfare and political instability allowed for some slaves to make their escapes. Such a situation in the late Roman period led to several recorded instances of mass flight by slaves from Italian cities, and similar situations may have occurred during early medieval regime changes, such as the various territorial conquests by viking and West Saxon armies from the mid-ninth through the mid-tenth centuries. On a more localized and routine level, the deaths of slave-owners and ensuing periods of property dispute and testamentary settlement could also have precipitated escape by slaves, either individually or in groups, a situation hinted at by one of the aforementioned charters of William II which, in granting an estate to new lord, demanded the return of all the men who had taken a previous lord's death as an opportunity to leave.[31]

Runaways may have been characterized by a gender disparity. Women may have felt greater ties to family, especially children, than did their male counterparts, which might have prevented them from leaving, particularly for those women who bore children by their owners. Children of extramarital liaisons between masters and their female slaves were not necessarily considered 'illegitimate' in the early Middle Ages, and surviving examples suggest that these offspring could participate in and benefit from family relationships. In the later medieval Gulaþing and Frostaþing laws from Norway, the children of enslaved concubines could still become heirs at the discretion of their fathers, even though a concubine's status

[30] *Frið*, distinct from the later medieval concept of the king's peace, was an aspirational goal of kings most visible in the royal legislation of theft from the ninth century onwards. See discussion in Lambert, *Law & Order*, pp. 207–215. On administrative mechanisms for fostering *frið*, see G. Molyneaux, *The Formation of the English Kingdom in the Tenth Century* (Oxford, 2015), pp. 104–115.

[31] *Regesta Regum*, ed. Davis (Oxford, 1913), I, 101 (§399). This is well-attested for slavery in the Americas: J. H. Franklin and L. Schweninger, *Runaway Slaves: Rebels on the Plantation* (Oxford, 1999), pp. 19–23.

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remained dishonourable and subordinate to legal wives.[32] Though the texts were written in the mid-thirteenth century at the earliest, these particular laws do not reflect the church's preferred stance on marriage and may very well represent much older custom. A similar potential for paternal acknowledgement may be evident in the laws of Ine and Alfred, as well as Old English vocabulary, though in the late ninth-century will of one Ealdorman Ælfred, his bequest of folkland, a type of land tenure possibly governed by customary inheritance law, to his son Æthelwold by a woman not Ælfred's wife remained contingent upon the king's approval.[33] We do see a more routine side of family inclusion in the ninth-century Irish *Vita prima Sanctae Brigitae* for a child who was not an heir. Although Brigit was the product of a lord's extramarital relationship with his slave, Brigit's father and free half-brothers still concerned themselves with her welfare and marriage prospects.[34] The gendered division of labour may also have meant male slaves had a better knowledge of their surroundings which facilitated escape. A number of tenth- and eleventh-century documents refer to unfree men whose duties in herding, hunting, and ploughing may have allowed them to roam the boundaries of their estates.[35] While women may also have herded as part of dairying, their specific duties, where discernible, were primarily domestic, such as the processing of these dairy products, weaving and sewing.[36]

Enslaved captives had the greatest potential for flight, since a lack of local kinship ties and investment in their new socioeconomic hierarchy would have made flight a more viable option. Many captives who had been transported within the British Isles were sufficiently close to home that escaping to their native land remained plausible, and we see this in two Irish examples. St Patrick, having been captured in Britain in the fifth century by Irish raiders, served as a slave in Ireland for six years before finding the opportunity to flee, after which he was able to

[32] R. M. Karras, 'Concubinage and Slavery in the Viking Age', *Scandinavian Stud.* 62 (1990), 141–62, at 144–46.

[33] M. C. Ross, 'Concubinage in Anglo-Saxon England', *Past & Present* 108 (1985), 3–34, at 16–18. P. H. Sawyer, *Anglo-Saxon Charters: an Annotated List and Bibliography* (London, 1968), no. 1508, printed in *Charters of Christ Church, Canterbury*, ed. N. Brooks and S. E. Kelly, 2 pts, AS Charters 17–18 (Oxford, 2013), no. 96, II, 809–11. Relatedly, the potential for an early medieval Christian king's sons to inherit the throne may have been influenced more by the mother's own political status than by her marital status: S. McDougall, *Royal Bastards: the Birth of Illegitimacy, 800–1230* (Oxford, 2016), esp. pp. 108–115.

[34] *Vita Prima Sanctae Brigitae*, ed. I. Bollandus and G. Henschenius, *Acta sanctorum quotquot toto orbe coluntur, vel a catholicis scriptoribus celebrantur* (repr. Paris, 1863), Februarii I, 121 (§15).

[35] *The Will of Æthelgifu: a Tenth Century Anglo-Saxon Manuscript*, ed. D. Whitelock (Oxford, 1968), pp. 11, 12 and 15. R. Naismith, 'The Ely Memoranda and the Economy of the Late Anglo-Saxon Fenland', *ASE* 45 (2016), 333–77, at 343. *Rectitudines Singularum Personarum* §§7, 9, 9.1 (*Gesetze* I, 449–50). G. N. Garmonsway, *Ælfric's Colloquy*, 2nd edn. (London, 1947), pp. 20–1.

[36] *Will of Æthelgifu*, ed. Whitelock, p. 14; 'The Will of Wynflæd', *Anglo-Saxon Wills*, ed. D. Whitelock (Cambridge, 1930), pp. 10–12.

https://doi.org/10.1017/S0263675122000175 Published online by Cambridge University Press

return to his family.[37] Similarly, St Findán was taken near his home in Leinster in the ninth century by Northmen and was able to evade his viking captors in the Orkneys while *en route* to Scandinavia. Though he never returned home, this was a conscious choice and not an impossibility; the author of his *vita* insists that God rescued Findán from drowning after Findán promised to never return to Ireland, and to instead travel to Rome and become a monk.[38]

Later elites feared that fugitive slaves could find safe haven in neighbouring kingdoms and enemy territory, and the role of political borders is especially evident in legal documents relating to the Danelaw. The Treaty of Alfred and Guthrum, which negotiated relations between the English and the Danes possibly between 880 and 890, includes a declaration that neither side will harbour the other's slaves or freemen.[39] II Æthelred, a treaty agreed with Olaf Tryggvason and his army *c.* 994, promises the same while adding thieves and individuals escaping feuds.[40] The need to codify these terms of agreement at various points indicates that enemy harbouring of fugitives remained a significant concern for elites. We certainly see these worries highlighted in Wulfstan, archbishop of York's *Sermo lupi ad Anglos*, a sermon probably composed and revised multiple times between 1009 and 1014.[41] In it, Wulfstan lamented his own troubled times when English slaves could find freedom in the Danelaw, only to then join campaigns in which they might meet and kill their former owners.[42] Wulfstan makes clear that attempts to close political borders to fugitive slaves were not necessarily successful, especially in the late tenth and early eleventh centuries, with such a situation leading to deeply disturbing issues such as fluidity of status, the overturning of social order, and the use of property against its 'rightful' owner.

Despite evidence suggestive of slave flight, authors did not express concerns regarding anything resembling a maroon community. Though such peripheral settlements of fugitive slaves appear in the large-scale slave systems of the ancient world and early modern period, they are not a visible feature of early medieval

[37] Patrick, *Confessio*, in *Libri Epistolarum Sancti Patricii Episcopi*, ed. L. Bieler (Dublin, 1952), pp. 65–66 (§17), 70–71 (§23).

[38] *Vita Findani*, ed. O. Holder-Egger, MGH, SS 15 (Hanover, 1887), 504.

[39] *Gesetze* I, 128 (§5); ed. Attenborough, pp. 100–1.

[40] *Gesetze* I, 224 (§6.2); translated in A. J. Robertson, *Laws of the Kings of England from Edmund to Henry I* (Cambridge, 1925), pp. 58–59. For the context of this treaty, see N. Lund, 'Peace and Non-Peace in the Viking Age – Ottar in Biarmaland, Rus in Byzantium, and Danes and Norwegians in England', *Proceedings of the Tenth Viking Congress*, ed. J. Knirk (Oslo, 1987), pp. 255–69 at 264–68.

[41] For discussion of the dating and relationships of different surviving versions, see S. Keynes, 'An Abbot, an Archbishop, and the Viking Raids of 1006–7 and 1009–12', *ASE* 36 (2007), 203–13 and J. T. Lionarons, *The Homiletic Writings of Archbishop Wulfstan* (Woodbridge, 2010), pp. 152–60.

[42] Wulfstan of York, *Sermo Lupi ad Anglos*, ed. D. Whitelock (Exeter, 1976), pp. 58–59.

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England.[43] Their absence from the source material may be down to problems of survival and transmission, but the inherent challenge to law and order presented by outlying communities of fugitive slaves would have made them a target for royal condemnation and reaction, as well as the ire of ecclesiastical authors concerned with upholding the social hierarchy. It is notable, therefore, that no mention of such communities exists. Placenames in the north and east of England which derive from *leysingi*, an Old Norse term for 'freedman' (for example Lazenby, Lazencroft) could potentially indicate settled groups of fugitives who crossed from English into Danish territory or communities of freedmen who welcomed runaways. However, these settlements are just as likely to be comprised of slaves freed by their owners in order to cultivate more distant land holdings without requiring direct oversight.[44] The precise set of customs necessary to obtain *leysingi* status make it unlikely that fugitive slaves residing there would have been able to hide their identity for long.[45]

If maroon communities were deemed the purview of local lords, this could also explain their absence in texts. However, early medieval runaways had varying options in periods of political fragmentation. Captives generally had better opportunity for escaping their imposed unfree status by returning home, and political enemies or rivals appear to have provided safe havens for fugitives of all types, not just slaves. A lack of recorded maroon communities may also speak to a more general integration of chattel slaves into close-knit, local communities consisting of free and unfree people, which may have abated the need for enslaved people to create their own communities outside the *status quo*. That said, a lack of evidence for clandestine, peripheral settlements of fugitive slaves does not mean we can discount their presence altogether, as small enclaves of runaways in secluded areas would be difficult, if not impossible, to trace both textually and archaeologically.

Slaves in Wessex may also have found temporary reprieve within churches, where they were granted protection from violence within the sacred space and where ecclesiastics could play a role in mediating punishment with slave-owners. Sanctuary was an ecclesiastical privilege reinforced by secular law which allowed fugitives fleeing criminal punishment and private vengeance to seek asylum within a church's sphere of protection for an allotted time. This allowed the clergy to enforce a truce period in which negotiations for a peaceful settlement could be

[43] Urbanczyk, *Slave Revolts*, pp. 30–35; K. Bradley, *Slavery and Rebellion in the Roman World, 140 BC–70 BC* (London, 1989), pp. 111–13; *Maroon Societies: Rebel Slave Communities in the Americas*, ed. R. Price, 3rd edn. (Baltimore, 1996).

[44] D. Pelteret, 'Slavery in the Danelaw', *Social Approaches to Viking Studies*, ed. R. Samson (Glasgow, 1991), pp. 179–88, at 184.

[45] Pelteret, 'Danelaw', p. 185.

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held.[46] By guaranteeing the right of sanctuary, rulers may have been able to solidify their reputations as pious protectors.[47] At the same time, ecclesiastical figures were able to extend spiritual protection and provide opportunity for the fugitive to do penance.[48] While it is difficult to perceive this type of escape and negotiation as 'resistance', it does illustrate the problems and questions that rulers and ecclesiastics faced in a society which counted some humans as chattel, such as the extent of acceptable mistreatment and whether some slave flight was justified.

On the Continent, the ability of slaves to claim sanctuary in the face of excessive abuse extended as far back as the Theodosian Code and had a strong tradition in Frankish legislation.[49] Early English law was somewhat less explicit. The West Saxon laws of Ine appear to extend sanctuary protection to slaves by stipulating that those who are subject to the lash as punishment for a crime could avoid this by fleeing to a church.[50] Whipping was commonly reserved as a penalty for slaves, presumably because most slaves had no funds with which to make the compensation payments required by people of other statuses.[51] Ine §5.1, therefore, differs from Continental tradition by extending sanctuary only to those slaves pursued for a crime, presumably by people other than their owners; it does not offer refuge from abusive masters.

This extension of protective power does not appear to have ever been codified in law, but the tenth-century saint's life of St Swithun of Winchester, within the former kingdom of Wessex, indicates that sanctuary could be used as a tool to promote benevolent and merciful slave-ownership by allowing for the renegotiation of the relationship between a master and their slave. In Lantfred of Fleury's *Translatio et Miraculi S. Swithuni*, composed in the 970s, the author relates several stories involving the miraculous unchaining of slaves awaiting or undergoing excessive punishment by their owners. In each, Swithun posthumously responds to the slaves' prayers by releasing them from their bonds, allowing the slaves to seek asylum at the saint's shrine. Upon seeking her out at the shrine, one slave-girl's furious master was inspired by God to forgo any punishment for her offense or her flight.[52] Other instances of slave flight to the Old Minster do not clarify what became of the slaves after they were released from their bonds at Swithun's

[46] P. R. Hyams, *Rancor and Reconciliation in Medieval England* (Ithaca, 2003), p. 96. The valid duration of sanctuary varied by time and place, R. H. Helmholz, *The* Ius Commune *in England: Four Studies* (Oxford, 2001), p. 19.
[47] K. Shoemaker, *Sanctuary and Crime in the Middle Ages, 400–1500* (New York, 2011), p. 49.
[48] Hyams, *Rancor*, pp. 95–97.
[49] Shoemaker, *Sanctuary*, pp. 57–77.
[50] Ine §5.1 (*Gesetze* I, 90); ed. Attenborough, pp. 36–7.
[51] D. Whitelock, *The Beginnings of English Society* (Harmondsworth, 1952), pp. 108–9. Pelteret, *Slavery*, p. 244.
[52] Lantfred, *Translatio*, pp. 253–333, at 288–90 (§5).

https://doi.org/10.1017/S0263675122000175 Published online by Cambridge University Press

shrine, though one clarification by Wulfstan of Winchester, who wrote his *Naratio Metrica de S. Swithuni* approximately two decades later, insists that one slave girl's mistress had tracked her to the minster, and so was present when the miraculous transportation to the shrine was revealed.[53]

At face value, Lantfred and Wulfstan certainly wished to advertise that Swithun's sphere of protection included the enslaved, the most powerless members of society. But these examples of bad behaviour by slave-owners served as a trope by which hagiographers in early medieval western Europe could reinforce the legitimacy of good, merciful lordship.[54] Though they may reveal incidental details of perceived resistance, Lantfred and Wulfstan sought to leverage the concept of sanctuary to moralize top-down status relations. They may have even sought to promote running to a church as an alternative to outright flight for slaves seeking respite from cruelty.[55] These concerns should by no means be conflated with any sort of abolitionist sentiment, since Swithun's role as intercessor endeavoured to remedy extreme punishments; neither he nor the living clergy attempted to actively interfere with master-slave relationships, which would have upset the social order and infringed upon a legitimate form of property ownership in which the early medieval Church had significant stakes. Slaves were provided with temporary respite only through ecclesiastical sanctuary and prohibitions on violence within churches. It was only when slaves had committed a crime that the clergy, under the West Saxon laws of Ine, could take an active role in negotiating appropriate punishment and compensation.

Slave-owners perceived flight as a problem throughout the early medieval period. Even the threat of it prompted questions of legal responsibility for the actions of property. It also raised issues concerning the extent to which ecclesiastics could interfere in the master-slave relationship and a slave-owner's rights regarding the treatment of their own property. While much of what we can identify as slave resistance remains buried within the problems anticipated, even feared, by slave-owners regarding their loss of property, some of this discussion, such as slave flight to enemy territory, seems to have been grounded in reality. These examples illustrate actual attempts by slaves to escape their status which in

[53] Lantfred, *Translatio*, pp. 302–04 (§20), 330–32 (§38), 332 (§39); Wulfstan of Winchester, *Narratio Metrica de S. Swithuno*, *The Cult of St Swithun*, ed. M. Lapidge (Oxford, 2003), pp. 335–551, at 498 (§2).

[54] Rio, *Slavery*, pp. 228–29.

[55] In *Beowulf*, the dragon's hoard is first infiltrated by a possible slave who initially sought shelter on the run from a brutal master. The man's status is unclear, however, as a lacuna in the manuscript can be filled with *þeo* or *þeow* (slave), *þeof* (thief), or even *þegn* (thegn). *Klaeber's Beowulf and the Fight at Finnsburg*, ed. R. D. Fulk, R. E. Bjork and J. D. Niles, 4th edn. (Toronto, 2008), pp. 75–76 (ll. 2221–31), with commentary at pp. 237–38.

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turn shaped peace negotiations and political relationships. Slave flight as a form of theft may also have played a significant role in the development of the duty to pursue as a legal concept. Evidence for slave flight, therefore, indicates that a combination of elite concerns and actual slave behaviour may have made significant contributions to royal policy.

THEFT

Like flight, theft by slaves posed the problem of how free people should treat the removal of property by property. In a world which relied upon communal enforcement, secretive crimes such as theft directly threatened the cohesiveness of a community and remained a preoccupation of law codes. Given that many codes were royally promulgated and theft fell squarely within the king's jurisdiction, we must be careful to discern whether legal preoccupation with theft by slaves resulted from its severity or merely from the legislators' need to fully treat theft in all forms.

The latter appears to have taken a guiding role in seventh-century Kentish laws, in which Æthelberht §90 (dated *c.* 600) and Wihtred §27 (695) both punish slaves for theft, but otherwise appear within lists of related crimes. Æthelberht §90 follows a series of laws specifically targeting crimes against other peoples' unfree servants (§85–89) and serves as clarification following laws regarding theft committed against the king (§4), by a freeman against a freeman (§9), and against a slave (§89).[56] While Æthelberht §90 importantly portrays slaves as perpetrators rather than victims, this is perhaps only a semantic distinction. Offenses against slaves were considered primarily to be offenses against the slave-owners; conversely, slave-owners were held financially responsible for their slaves' thefts. We should then view Æthelberht §85–90 as a sequence of laws outlining the rights and responsibilities of lords regarding their unfree dependents which also sought to address a specific theft scenario. A similar theme is present in Wihtred §27, which stipulates the compensation owed should the slave-thief be released, as well as the value owed to the slave's owner should the slave be executed.[57] This law also comprises part of a sequence regarding the apprehension and punishment of thieves of different statuses (§25–27). Wihtred's treatment of theft is generally harsher than his predecessor's, with execution and penal enslavement serving as punishments in addition to compensation payment, but this is just as likely to reflect Wihtred's and his councillors' perception of royal authority as an attempt to crack down on rampant thieving by slaves and others.

[56] *Gesetze* I, 3–8; ed. Attenborough, pp. 5–17.
[57] *Gesetze* I, 14; ed. Attenborough, pp. 30–1.

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Tenth-century English law provides a more nuanced view of slave theft, attributable to the changing nature of such codes from records of general oral law into reflections of active law-making, as well as greater focus from the tenth century on the royal oversight of theft.[58] Though part of broader trends, IV Æthelstan §6 (924 × 939) suggests legal generalizations based on expectations of slave rebelliousness. This law details the brutal means of execution due to free people and slaves who commit multiple counts of theft.[59] While this generally only places theft by slaves on a spectrum of statuses, the treatment of female slaves in §6.7 bears special attention, and is worth stating in full:

> If the slave is a woman [*Si serva ancilla sit*] and she steals from anywhere except from her lord or mistress, sixty and twenty female slaves shall go and bring three pieces of firewood each and burn that one slave, and collect just as many pennies as the male slaves [*servi*] should, or be whipped the same as has been stated for male slaves.[60]

The law is careful to outline where the treatment of female slave-thieves differs from their male counterparts, who, according to IV Æthelstan §6.5 and 6.6, are to be stoned by eighty of their fellow slaves, who in turn owe three pennies apiece to the slave-owner.[61] The additional exemption of theft against the slave-owner is not stipulated for *servi*. This disparity could simply reflect medieval attitudes regarding the milder treatment of women with fewer circumstances constituting a crime, or it could be an intended inference in §6.5 that theft by any slave against his or her master was not under the jurisdiction of royal law. However, §6.7 states clearly and precisely the ways in which punishment for *ancillae* should mirror that for *servi*, making the caveat regarding the victim even more distinctive. As such, it may hold implications for illustrating the gendered roles of slaves and the types of resistance expected of them. Æthelberht's early seventh-century law code refers to female 'grinding slaves' (OE *grindende þeowa*), and the tenth-century will of Æthelgifu includes the bequest of an enslaved dairymaid (OE *dæge*).[62] By performing tasks related to domestic production, women were continuously in close proximity to, if not in charge of, desirable but relatively plentiful goods such as food, fuel, and household tools or vessels. Female slaves may have been exempt from royal punishment for theft from their owners not only due to the slaveholder's

[58] Wormald, '"Inter cetera"', pp. 179–99; Lambert, *Law & Order*, pp. 207–10; T. B. Lambert, 'Theft, Homicide and Crime in Late Anglo-Saxon Law', *Past & Present* 214 (2012), 3–43, at 39.

[59] *Gesetze* I, 171–2; ed. Attenborough, pp. 148–49.

[60] Author's translation from the text in *Gesetze* I, 172. See also ed. Attenborough, pp. 150–1.

[61] The collective payment could refer to slaves' ability in England to earn money on their own time, first attested in Alfred's laws of the late ninth century (see p. 10, n. 30). This would suggest some degree of legal autonomy, but the payment is just as likely, if not more so, to be a punishment inflicted on the slave-owner who must provide compensation on behalf of his or her property.

[62] *Gesetze* I, 3 (§11); ed. Attenborough, pp. 5–6. *The Will of Æthelgifu*, ed. Whitelock, p. 15.

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right to punish his or her chattel, but because execution would not have been an economically feasible punishment for regular pilfering.

We may catch a glimpse of this gender dynamic in a ninth-century Irish context in the *Vita prima Sancti Brigitae*, which describes St Brigit's youth, possibly as a slave, in her father's household. Brigit's hagiographer frames her redistribution of goods as acts of charity; what she takes she gives to those less fortunate, and many items are miraculously replaced or replenished. However, not all view these acts as wonderous, and Brigit's father ultimately attempts to sell her because of what he perceives as her regular thefts from his household.[63] Here, the circumstances relatable to a ninth-century audience are significant. Brigit steals items which are easily accessible in the course of her duties: meat she is asked to prepare for a guest, butter she has churned, even her father's sword when it is left in her care.[64] The position of enslaved women as domestic servants in early medieval households may simply have facilitated their theft of household goods. If men, conversely, fulfilled the need for manual labour outside the home, valuable items such as livestock, metal tools, and even building supplies would have been harder to conceal.[65] Æthelstan's law, then, in seeking to treat all forms of theft as part of changing royal prerogatives, may inadvertently reveal actual or perceived gendered types of slave resistance in tenth-century England.

Nowhere is this push to treat theft and its implications for understanding slave resistance clearer than in III Edmund §4. This code, promulgated 939 × 946, is particularly concerned with property rights as part of the tenth-century drive by kings to establish *friþ* through the legislation of theft.[66] As such, the short code touches upon theft by all statuses, but section 4 relates specifically to slaves who commit theft in groups. Upon capture, the leader is to be executed, and the others are to be scalped and to have their little fingers mutilated.[67] This is the first English law to address theft by groups of slaves and, as the only clause in the entire code without precedent, insinuates certain fears by the elites.[68] While it may only represent an attempt to treat theft in all forms, the specificity and innovativeness of this law suggest real-world inspiration, perhaps reflecting a case known to Edmund. These slaves are not named as runaways, though such a sense may be implied, or the vagueness was created intentionally to suit multiple interpretations.

[63] *Vita Prima*, p. 121 (§14).
[64] *Vita Prima*, pp. 120 (§11, §13) and 121 (§14).
[65] Consider the tools and livestock accessible to the swineherds and shepherds of Æthelgifu's will or the unfree ploughman of Ælfric's *Colloquy*: *the Will of Æthelgifu*, ed. Whitelock, pp. 11 and 15; Garmonsway, *Ælfric's Colloquy*, pp. 20–21.
[66] See above, p. 10, n. 30.
[67] *Gesetze* I, 191; ed. Robertson, pp. 14–15.
[68] P. Wormald, *The Making of English Law: King Alfred to the Twelfth Century* (Oxford, 1999), pp. 311–12.

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In any case, the law appears to refer to slaves working together to commit and conceal theft, perhaps even within a single estate or across neighbouring landholdings. It may be no coincidence that the two immediately subsequent laws of III Edmund deal with the purchase and pursuit of stolen cattle.[69]

Unlike earlier laws, slave-owners in III Edmund §4 hold no liability for the actions of their property, perhaps to account for instances in which a slave-owner might wish to seek some restitution from a group which included their own slaves. By omitting the slave-owner from the list of those responsible, royal law appears to address the complications inherent in punishing the theft of property by property. It also indicates the ways in which slaves threatened or were perceived as threatening communal peace. To ensure that *friðð* was established, kings were forced to consider and introduce conventions for rebellious slave behaviour, which itself indicates that elite fears of slave resistance held an important role in shaping legislation over the course of the early medieval period.

CHALLENGES TO OWNERSHIP

Ownership of human chattel could also be challenged, both in the context of enslaved peoples' bodies and in that of their legal person. Early medieval slaves, like those in any time or place, had little to no protection from the sexual advances of their owners.[70] Where early English law criminalized sexual intercourse with someone else's slave, these restrictions can be seen as efforts to protect the property rights of slave-ownership through control of access.[71] These laws also sought to restrict slaves' liaisons and suggest that the threat of circumvention discomfited slave-owners. Worries about expressions of body autonomy through sexual access or abortion remain folded into broader secular and ecclesiastical reactions to such perceived deviance by women of all statuses. Handbooks of penance, which were particularly interested in sexual sin, address issues such as extramarital sex and abortion even in the earliest examples. The late-seventh- or

[69] *Gesetze* I, 202–4 (§5–6); ed. Robertson, pp. 14–15.

[70] Sexual domination was an important component of enslavement, D. Wyatt, *Slaves and Warriors in Medieval Britain and Ireland, 800–1200* (Leiden, 2008), pp. 123–71. See also William of Malmesbury's assertion in his Life of Wulfstan, possibly deriving from the Old English exemplar, that enslaved women impregnated by their owners were sold in Bristol in the late eleventh century: William of Malmesbury, *Vita Wulfstani*, in *William of Malmesbury: Saints' Lives: Lives of ss. Wulfstan, Dunstan, Patrick, Benignus and Indract*, ed. R. M. Thompson and M. Winterbottom (Oxford, 2002), p. 100. The extreme, literary example of *Moriuht*, composed in the early eleventh century, graphically describes the titular (male) main character's sexual abuse while enslaved to vikings: Warner of Rouen, *Moriuht*, ed. C. J. McDonough (Toronto, 1995), p. 76.

[71] Æthelberht §11 (*Gesetze* I, 3) and Alfred §25–25.1 (*Gesetze* I, 62–4); ed. Attenborough, pp. 5–6 and 74–5.

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early-eighth-century Penitential of Theodore, in drawing from the sixth-century Irish Penitential of Finnian, prescribes penance to a woman who terminates a pregnancy, with greater penance required for later stages.[72] While this canon indicates disquiet regarding any woman's ability to terminate an unwanted pregnancy, this was very likely to include enslaved women, who were sexually accessible to their owners.

Lords and lawmakers may also have been faced with challenges to status brought by captives or their families via legitimate mechanisms. While evidence of this kind is limited, the late-seventh-century Kentish laws of Hlothere and Eadric outlined a legal procedure for cases in which a kidnapped free man returned to accuse his captor, a situation which may have covered those deemed to have been wrongfully sold into slavery.[73] Regarding status disputes across political borders, we know from one early-eighth-century letter between Brihtwold, archbishop of Canterbury, and Forthere, bishop of Sherborne, that elite families could petition for episcopal help in negotiating the ransom of captive kin, especially when the captive in question was held in servitude by a member of the clergy.[74] Where they were able, then, captives and their families in early kingdoms could harness existing legal procedure and personal networks to negotiate their release.

The general dearth of case law may also leave us blind to the sorts of challenges to status visible in contexts other than wrongful enslavement. Carolingian examples demonstrate how and under what circumstances these challenges could have occurred, with most disputes featuring tenants forced to defend their free status in the face of lords' attempts to 'reclaim' dues and obligations supposedly owed by the tenants' ancestors.[75] However, one late-eighth-century *formula* from the monastery of Murbach indicates that the *mancipia* strove to take advantage of their landowner's legal conflict. In the confusion of the Alemannic uprising of the 740s, the unfree tenants were able to claim free status with some degree of success, and the monastery lamented the loss of these dependents in a petition to Charlemagne some decades later.[76] This situation further highlights the ways in

[72] *Councils and Ecclesiastical Documents Relating to Great Britain and Ireland*, ed. A. W. Haddan and W. Stubbs, 3 vols. (Oxford, 1869–78), III [covering the early English church from 590 to 870, hereafter *Councils 590–870*], 189 (I.xiv.27); *The Irish Penitentials*, ed. L. Bieler (Dublin, 1963), pp. 78–80 (§20).

[73] *Gesetze* I, 9–10 (§5); ed. Attenborough, pp. 18–19.

[74] Brihtwold to Forthhere, *Councils 590–870*, p. 284.

[75] Rio, *Slavery*, pp. 195–97.

[76] *Formulae Morbacenses* 5, in *Formulae Merowingici et Karolini Aevi*, ed. C. Zeumer, MGH (Hanover, 1886), p. 331. See also the discussion of this event in the context of collective peasant disputes in Europe in Wickham, *Framing*, pp. 578–88.

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which unfree people, including slaves, might use conflict and its associated disruption to seize rights and privileges otherwise denied to them.

The issue of people as property prompted significant questions of legal responsibility and social interaction. Even when attention to slave behaviour is directly linked to royal concerns regarding *frið*, slave resistance was perceived as enough of a threat to the *status quo* to merit complete treatment in law codes. In the case of VI Æthelstan, elite fear of slave flight as a form of theft may have even driven innovations such as the obligatory nature of a 'duty to pursue' thieves. Responses to the problem of people as property not only reveal potential details of slave resistance such as gendered types of theft or a lack of maroon settlements, but they also indicate that elite concerns over slave behaviour became folded into legislation and administrative thinking.

PROBLEMS OF LABOUR

Functionally, the primary purpose of enslaving people was to secure labour, which itself could create problems. Slaves could subvert or refuse to enact their owners' will through dilatoriness, disobedience, or sabotage. Slave labour also prompted questions of responsibility for accidental injury, closely tied to slaves' status as property, but also inherently linked to the uses to which slaves were put. As the more quotidian aspects of slave-ownership, these acts did not represent great fears or concerns which needed to be meticulously dissected by royal lawmakers and ecclesiastical authors. Control over a slave's behaviour which did not result in a crime was ultimately the slave-owner's responsibility. As such, very little information survives to illustrate the extent to which slave-owners contended with these smaller acts of resistance. Where discussion does appear, it indicates that problems of labour could either conflict or connect with legal responsibility and religious or social cohesion.

A great many laws address the destruction of property without reference to any one status, and slaves may have been judged under these laws when the property in question belonged to someone other than their owner. II Cnut §68 (1020 × 1021) did attempt to give slaves some protection by urging discretion when judging cases involving accidents caused by anyone, slave or free.[77] II Cnut §68.2 also instructs that similar care be given to decisions regarding offenders who were compelled to commit a wrong, implying that elites were aware of how low status could leave slaves and others vulnerable to exploitation.[78] The seventh- or eighth-century Irish law tract *Bretha Éitgid* suggests a flip-side which we must consider for an English context: deliberate acts of sabotage. *Bretha Éitgid* outlines penalties for a slave who injures another person, a cow, or a horse, hinting that work animals

[77] *Gesetze* I, 354; ed. Robertson, pp. 206–07.
[78] *Gesetze* I, 354; ed. Robertson, pp. 208–09.

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could be debilitated to prevent or slow tasks such as ploughing.[79] While the same tract concedes that slaves were not responsible for those accidentally injured during the course of their labour, it indicates that Irish elites perceived sabotage as a hazard of slave-ownership.[80] It seems likely that similar concerns existed amongst the English, and perhaps the lack of any codification merely indicates that punishment for destruction of tools or injury to livestock was the slave-owner's prerogative.

Non-violent disobedience, on the other hand, appears somewhat regularly, especially when this intersected with ecclesiastical policy and, therefore, the perceived wellbeing of society. The early Kentish laws of Wihtred singled out slaves who continued to adhere to a pagan religion, suggesting an outright refusal by some slaves to accept the dominant religion of the Kentish elites.[81] Concern for ensuring that slaves practised good Christian behaviour appears as a common theme of early English law, though in many cases slaves appear within a list of different statuses. Wihtred §15 assigns punishment to those slaves who eat of their own free will during a fast, while early-eleventh-century laws written by Wulfstan, archbishop of York, in the context of viking attacks list punishments for slaves who break fasts alongside those for free people of low and high status.[82] Slaves' dependence upon their owners for subsistence may have left them vulnerable to underfeeding, and some may have chosen to ignore fasts imposed by those who typically had better access to food.

The so-called Treaty of Edward and Guthrum, also written by Wulfstan of York in the early eleventh century, similarly metes out punishment to those of any status who work on church festival days, and two potentially-late Old English penitential texts prescribe various methods of penance for those slaves who worked on Sundays.[83] Why slaves would have wished to work on their few days of leisure may also be linked to Alfred's law, which guaranteed slaves the ability to sell on certain feast days what they could make in their spare time.[84] Defying commands to rest would have provided valuable time to produce goods for sale. This is especially significant when we consider that many tenth-, eleventh-, and

[79] *The Ancient Laws and Institutes of Ireland,* ed. and trans. W. N. Hancock, T. O'Mahony, A. G. Richey, W. M. Hennessy and R. Atkinson, 6 vols. (Dublin, 1865–1901) III, 179–81.

[80] *Ancient Laws* III, 175–79.

[81] *Gesetze* I, 13 (§13); ed. Attenborough, pp. 26–27.

[82] Wihtred §15 (*Gesetze* I, 13), VII Æthelred §2.4 (*Gesetze* I, 260), II Cnut §46.2 (*Gesetze* I, 344); ed. Attenborough, pp. 26–27; ed. Robertson, pp. 94–95 and 198–99.

[83] Edward and Guthrum §7–8 (*Gesetze* I, 132) and *Northumbrian Priests' Law* §56 (*Gesetze* I, 383); ed. Attenborough, pp. 106–07; translation of *Northumbrian Priests' Law* in *The Political Writings of Archbishop Wulfstan of York*, ed. A. Rabin (Manchester, 2015), p. 204. *The Old English Canons of Theodore*, ed. R. D. Fulk and S. Jurasinski (Oxford, 2012), p. 3 (§6).

[84] *Gesetze* I, 78 (§43); ed. Attenborough, pp. 86–87. This was still in practice by Wulfstan's time, as he references it himself, Wulfstan of York, *Sermo Lupi*, pp. 52–53 (recension C).

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even early-twelfth-century manumissions recorded from southwestern England included a cash payment by the freed person to their owner.[85] Some slaves may have seen the defiance of mandated periods of rest as a means of helping to secure their freedom.

The concern over slaves' respect for religious observance may also stem from the presence of non-Christian captives within the slave population. Originating from other English kingdoms or northern Britain in the earlier centuries and from Scandinavian populations in later ones, enslaved non-Christian captives may have experienced difficulty or exhibited unwillingness in adapting to the rules and expectations of a Christian society. In this respect, elite concerns regarding slaves' religious observance could reflect simple culture shock, as well as deliberate resistance to the restrictions of their new community. In either case, elites perceived slave behaviour and its motivations as a necessary part of establishing a good Christian society.

To return to the hagiography of St Swithun, these texts by Lantfred and Wulfstan of Winchester further indicate the ways in which rebelliousness and disobedience were expected of slaves in the course of their labour, though these circumstances specifically highlight the callousness and capriciousness of certain slave-owners. Such is the case for a woman who failed to prevent the theft of her owner's clothes while laundering them, a man who neglected some of his duties, and a girl caught chatting to a man unknown to her mistress and without permission, all of whom are tied up or chained to await corporal punishment.[86] None of these examples demonstrate actual slave resistance, at least not from Lantfred's perspective, and as previously mentioned, these episodes are included in the work as bad examples of lordship intended to advertise mercy and restraint as slave-owners' virtues.[87] They do, nevertheless, indicate the types of minor infractions that slave-owners could perceive as rebellious, and that they could punish their slaves with impunity.

The everyday problems anticipated by slave-owners with regards to labour must have been the most common but remain the least visible. The day-to-day complications arising from accidents, sabotage, and disobedience can in some instances be classed as forms of slave resistance, but these matters were the purview of the slave-owners themselves. Major problems, such as threats to society's welfare through the repudiation of religious observance, or an owner's legal responsibility for accidental injury were addressed by elites, but regular attempts by slaves to needle their owners were clearly not perceived as a significant threat to the slave-owning class. As Lantfred indicates, some slave-owners may

[85] Pelteret, *Slavery*, pp. 152–55.
[86] Lantfred, *Translatio*, pp. 330–2 (§38), 332 (§39) and 302 (§20).
[87] See above, pp. 14–15.

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have been more sensitive to potential threats than others; even if slaves did not seek to test or challenge the limitations of their status, what ultimately mattered for the historical record was whether their owner *thought* they did.

PROBLEMS OF VIOLENCE

In much of early medieval Europe, violence may have functioned as a tactic of negotiation on both a collective and individual level, and lower classes were more than capable of mobilizing opposition to aristocratic intrusion on their freedoms, exemplified in its most extreme case by the Stellinga revolt in Saxony in 841–842.[88] Despite its visibility elsewhere and the definite encroachment of lords on the hereditary rights of free and unfree peasants in England during the early Middle Ages, the violence by these groups (and especially by slaves) which might be characterized as resistance remains largely absent from English sources. Where we do have evidence of violence, it is exclusively by and against individuals and does not encompass the same scope as the violent resistance visible in other slaveholding societies, contemporary or otherwise. This may well be due to source survival, but the reticence of English material relative to that of Ireland, for example, suggests that specific aspects of early English society and culture must have been at play in preventing such actions or erasing them from the written record.

COLLECTIVE VIOLENCE

The complete absence of recorded slave revolts for the early medieval period is hardly unique to England, as the uprisings of the sort led by Spartacus and Nat Turner which had devastating, long-term effects were uncommon, desperate and spontaneous acts known predominantly from large-scale slave societies.[89] The only early medieval example, the Zanj revolt (868–83), occurred near Basra in the Abbasid Caliphate and caused enormous and long-lasting political disruption and resulted in tens of thousands of casualties when a handful of Arabs led East African slaves (the Zanj) to rise up and establish their own administrative system.[90] This rebellion punctuates an otherwise glaring lacuna of documented slave rebellion between the fifth and sixteenth centuries.[91]

[88] Wickham, 'Looking Forward', p. 158. For an overview of the Stellinga revolt and its context, see Wickham, *Framing*, pp. 585–88.
[89] K. Bradley, 'Resisting Slavery at Rome', *The Cambridge World History of Slavery, I: The Ancient Mediterranean World*, ed. K. Bradley and P. Cartledge (Cambridge, 2011), 362–84, at 365.
[90] A. Popović, *The Revolt of African Slaves in Iraq in the 3rd/9th Century* (Princeton, 1999), pp. 153–54.
[91] *Encyclopaedia of Slave Resistance and Rebellion*, ed. J. P. Rodriquez, 2 vols. (London, 2007), I, xliv.

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This omission cannot be entirely blamed on the nature of our source material. The social and political commentary which would have been inspired by even a much smaller uprising is precisely the sort which would have interested early medieval authors. A revolt by slaves generally would have been viewed as a shocking act of barbarity, though one by Christian slaves against pagan masters would have been seen as inspired by God. How a ruler handled an uprising would also have served as a barometer for that ruler's effectiveness. However, even during the transport of captives, a situation which we can presume provided the greatest opportunity for groups of slaves to rise against their captors and escape, no record survives of a rebellion.[92] Nor do we see what could be taken for reactionary calls for limitations on slave movement that might follow an uprising, omissions which are striking and significant.

There is perhaps no sharp distinction between the typical motivations for a slave revolt and an early medieval peasant revolt; both occurred largely in reaction to labour obligations and demands, and free peasants in some cases were spurred by increasing subjection which made them less free – in other words, their personal status. The lack of racially-based slavery in early medieval Europe and the variety of unfree status gradations mean that dichotomous categories of 'free' and 'slave' which were the focal points of historic slave revolts are not as sharply delineated as in pre-modern and early modern large-scale slave societies, our main points of comparison for slave-led rebellions. Many early medieval popular revolts, however, were not motivated by interests which could be shared with chattel slaves or the hereditarily unfree. In the Stellinga revolt, for example, the rebels were foremost driven by newly imposed labour obligations, and the tax revolts of eighth- and ninth-century Egypt were inherently related to free status given that slaves did not pay taxes.[93] If peasants in early medieval Europe were able to mobilize for collective violence in response to perceived oppression, it is worth querying why the enslaved did not do this.

This line of inquiry takes on a special note of importance for England, which had neither slave nor popular revolts. Approaching slave rebellion, an expectation of elites in many slaveholding societies, from a distinct angle can provide us with a better understanding of how slavery and unfreedom functioned in early medieval England and how these institutions compare to other historic contexts. The set of conditions most adaptable to a medieval situation was identified by Eugene Genovese in his 1979 monograph, *From Rebellion to Revolution*, and was developed initially to query the greater frequency of slave revolts in Latin America and the

[92] Compared to the 392 revolts identified on the Middle Passage during a two-hundred-year period: D. Richardson, 'Shipboard Revolts, African Authority, and the Atlantic Slave Trade', *The William and Mary Quarterly* 58.1 (2001), 69–92, at 73.

[93] Wickham, *Framing*, pp. 140–42 and 585–88.

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Caribbean than in the American South. This influential methodology has subsequently been refined by David Geggus from a global perspective, and by classicists who have specifically adapted Genovese's indicators to the ancient world.[94] In summation, Genovese recognized the following criteria as significant:

1) a master-slave relationship characterized by absenteeism, with slave-owners in Europe rarely or never visiting their colonial plantations, as well as depersonalisation and estrangement between resident free people and slaves;
2) economic distress which prompted famine in the localities and engendered desperation amongst slaves;
3) large slaveholding units in which approximately 100–200 slaves laboured in close proximity;
4) a ruling class consistently divided by political struggle within or with another slaveholding polity, and thus distracted from quelling unrest amongst slaves;
5) slaves and freed slaves greatly outnumbering those born free, in order to combat the military advantages of the free population;
6) enslaved captives outnumbering those born into slavery, as captives were more likely to resist their situation;
7) the accepted presence of autonomous leaders amongst slaves, who could become leaders of a movement;
8) and conditions for the successful establishment of maroon settlements, which could provide external assistance to rebelling slaves and militarily threaten the slave system.[95]

Genovese stressed that these criteria were neither all-encompassing nor infallible, and he presented them in no order of importance. Classicists such as Paul Cartledge and Theresa Urbainczyk have only made minor adjustments to the model, exchanging racial terminology for status indicators (as I have done here, for example, replacing 'Black' with 'slave' as appropriate). This application has resulted in detailed and plausible hypotheses for why ancient Greek and Roman slave revolts occurred when and where they did. Geggus, on the other hand, has interpreted large slaveholding units and a high ratio of slave to free as being the only direct causes of rebellion, believing Genovese's other criteria, along with

[94] D. Geggus, *Haitian Revolutionary Studies* (Bloomington, IN, 2002); P. Cartledge, 'Rebels and *Sambos* in Classical Greece: a Comparative View', *CRUX: Essays in Greek History presented to G. E. M. de Ste. Croix*, ed. P. Cartledge and F. Harvey (London, 1985), pp. 16–46; Urbainczyk, *Slave Revolts*, pp. 4–27; Hunt, *Ancient Greek*, pp. 169–71; Bradley, *Slavery and Rebellion*, pp. 15–17. Cf. the criteria put forward in 1973 by O. Patterson which best suits an early modern Jamaican context, i.e., 'where the economy is dominated by large-scale, monopolistic enterprise', 'Slavery and Slave Revolts: a Sociohistorical Analysis of the First Maroon War, 1665–1740', *Maroon Societies*, ed. Price, pp. 246–92, at 288–89.

[95] E. Genovese, *From Rebellion to Revolution: Afro-American Slave Revolts in the Making of the Modern World* (Baton Rouge, LA, 1979), pp. 11–43.

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potential factors such as increased freedoms amongst urban slaves and the presence of emancipationist rumours, to be inconclusive. While urban slaves may have had wider networks and greater freedoms, increased military presences in urban areas may have pre-empted revolts, and assertions by rebel leaders that they were fighting for freedom they believed was being withheld by a local authority does not illuminate the degree to which slaves actually believed these claims.[96] Geggus only challenges the importance of maroon communities, arguing that *marronage* existed as an alternative to rebellion, not a catalyst for it.[97]

Even with modifications and critiques, however, Genovese's criteria serve as a significant benchmark by which we can establish that favourable conditions for a successful slave uprising did not exist in early medieval England and that the lack of concern by medieval authors accurately reflects an absence of revolts. Considerations of slave population size and group ratios, deemed fundamental by Geggus, can be immediately discarded. Slaves in early medieval England comprised a relatively small, dispersed population which was likely overseen directly by slave-owners or free members of society. Where the problematic statistics gleaned from *Domesday Book* estimate England's slave population to have been approximately ten to twelve per cent in 1066, in Latin American and Caribbean colonies, where violent revolt is well-documented, slaves could constitute upwards of eighty per cent of the population.[98] Even if we consider that slavery in England may have been a dying practice by 1066, there is no evidence to suggest that slaves comprised as substantial a proportion of the population there as they did in the Americas. Medieval slaves assigned to agricultural labour, therefore, were probably not concentrated in large groups separate from the free labourers where they could meet, plan, or gather support. It is notable that despite the enormous numbers of people enslaved throughout the medieval Islamicate world, the Zanj revolt occurred in what may have been the only part which utilized large-scale agricultural slavery.[99] As a relatively small population which may have been intermingled with free and other unfree tenants on estates or even resident in their owners' homes, slaves in early medieval England had greater potential to form personal relationships with people of other statuses, which may have forestalled violent uprising against them; certainly the free and the unfree were not estranged groups. Such a situation also enabled closer, more consistent oversight which was not conducive to planning group acts of resistance, and the lack of any substantial maroon settlements would have negated the potential

[96] Geggus, *Haitian*, pp. 60–62.
[97] Geggus, *Haitian*, p. 62.
[98] See p. 6, n. 18. Genovese, *From Rebellion*, p. 14.
[99] H. Kennedy, *The Prophet and the Age of the Caliphates: the Islamic Near East from the 6th to the 11th Century*, 3rd edn. (London, 2015), p. 181.

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for external assistance in raising a revolt. The lack of uprisings in transit would likewise insinuate that even during periods of more expansive slave trading, captives and slaves were not transported in extensive caravans or crowded onto ships in numbers exceeding that of the crew.

The nature of slavery in early medieval England, then, fails to meet half of Genovese's criteria and none of Geggus's direct factors in facilitating slave rebellion. The paucity of information makes it difficult to establish whether societies allowed for the emergence of slave leadership, or whether enslaved captives outnumbered those born into slavery.[100] We can at least be confident that throughout the early medieval period economic distress and famine occurred, and that the upper echelons of the slaveholding hierarchy were frequently divided by conflict either amongst themselves or with neighbouring slaveholding societies. By the aforementioned criteria, an image arises of a slaveholding society which lacked many of the principal attributes necessary for fomenting and sustaining a substantial slave revolt.

If unfree people did express collective, violent dissent, the groups and the consequences must have been considerably limited in size and scope: numbering only a handful of people and restricted to a small geographical area, perhaps a single village or estate. Records of such unrest, particularly on secular-held lands, could easily have been lost or omitted from surviving texts. They would have either fallen under the slave-owner's jurisdiction for punishment, provided no outsiders were injured and no damage was done to another landholder's property, or within the general prescriptions of extant legal procedure for injury and property damage. Even so, such uprisings would have to have remained extremely small to escape the interest of royal authority or ecclesiastical moralisers.

Despite differences in the detectable motivations of slave and early medieval popular revolts, the absence of both in England could be explained by the same social conditions and legal norms. With a few rare exceptions, communities sought to redress their personal and collective grievances regarding dues and services with individual lords as the immediate controllers of these obligations rather than relatively weak early medieval states, and thus large-scale revolt was not considered a serious and consistent threat to elites until it happened in the fourteenth and fifteenth centuries.[101] The reasons why nothing like the English Peasants' Revolt of 1381 occurred before or after that date remain difficult to pin down,

[100] A reference to the exile of one Eadric, 'king of the *ceorlas*' (OE *ceorla kyning*) by Cnut hints that some individuals were capable of rousing the free peasantry for support, but this does not clarify any leadership of or amongst the unfree. *The Anglo-Saxon Chronicle MS D*, ed. G. P. Cubbin, AS Chronicle: a Collaborative Edition 6 (Cambridge, 1996), 63, *s.a.* 1017.

[101] For discussion of this context outside of England, see C. Wickham, 'Space and Society in Early Medieval Peasant Conflicts', *Settimane di Studio del Centro Italiano di Studi Sull'alto Medioevo* 50 (2003), 551–85 at 573-4.

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though it may have resulted from conditions unknown in the early medieval British Isles, such as rising peasant expectations and resultant tension with lords in the aftermath of the Black Death, or in a culmination of changes in English administration by the late fourteenth century, such as greater centralized control of the periphery through the facilitation of communications, increased jurisdiction, and developing systems of extraction.[102] Perhaps only then could peasant discontent achieve a broader geographical scope and move beyond individual disputes with lords.

INDIVIDUAL ACTS OF VIOLENCE

Likewise striking in their invisibility are individual acts of violent resistance, though in most cases the limited scope of such an act means they were less likely to be recorded. One Irish example makes clear that specific events, such as the murder of a slave-owner, were only worth documenting when they held great political significance; it is for this reason that the Irish annals recorded that in 989, Glúniarann, the Viking king of Dublin, was killed by his own slave while drunk.[103] Normative laws do identify the act of homicide by unfree servants as enough of a threat to justify legislation, though only through the early eighth century.[104] The early Kentish laws of Æthelberht dictate the compensation due by one *esne* who kills another who has not committed an offense, and those of Hlothere and Eadric extend this to the examples of an *esne* killing a noble (OE *eorlcund*) or a freeman whose wergild is 100 shillings.[105] In roughly-contemporary West Saxon tradition, Ine §74 lays out punishment should a Welsh slave (OE *ðeowwealh*) kill an Englishman, adding to the general concern over homicide by slaves the apartheid-like, anti-Welsh dimension for which his law code is well-known.[106]

Regarding violence more generally, the weapons restrictions of Ine §29 have already been discussed in the context of flight. This law was as much intended to protect the safety of slave-owners as it was their property investment. The

[102] C. Dyer, *Everyday Life in Medieval England* (London, 1994), p. 191; R. Hilton, *Bond Men Made Free: Medieval Peasant Movements and the English Rising of 1381*, 2nd edn. (Abingdon, 2003), p. 96.

[103] *The Annals of Ulster*, ed. and trans. S. Mac Airt and G. Mac Niocaill (Dublin, 1983), *s.a.* 989, p. 421. For further references see C. Downham, *Viking Kings of Britain and Ireland: the Dynasty of Ivarr to A.D. 1014* (Edinburgh, 2007), p. 252.

[104] New laws regarding violent offenses are generally absent in legislation from the tenth century onwards as this was not the focus of royal interest (unlike theft). Lambert, *Law & Order*, pp. 181–83.

[105] Æthelberht §86 (*Gesetze* I, 8) and Hlothere and Eadric §1, §3 (*Gesetze* I, 9); ed. Attenborough, pp. 16–17 and 18–19.

[106] *Gesetze* I, 120; ed. Attenborough, pp. 60–61.

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aforementioned Irish example in *Bretha Éitgid* must have also reflected slave-owners' concerns that slaves could intentionally injure people or livestock.[107] While these laws do not necessarily reflect violence against slave-owners themselves, they do indicate a perception by slaveholding elites that free people needed protection from and compensation for violence by the enslaved.

Suicide, being violence against oneself, was a significant feature of other slaving systems, a drastic action taken by captives and slaves to avoid what they perceived as a fate worse than death. During the Middle Passage, enslaved Africans frequently leapt from the ships in response to the traumas they experienced and anticipated, to the extent that slavers shared advice for suicide prevention.[108] Even if depictions by Roman authors and sculptors of slave and captive suicide constitute a romanticized trope, slave suicide was certainly a point of practical discussion in Roman law.[109] No mention of this practice exists for early medieval England or its neighbours, but as discussed above, captives generally had better chances of returning home or fleeing to another political territory. Furthermore, Christian society in the Middle Ages perceived suicide as a deviant, sinful measure. This type of death had been sharply denounced by St Augustine of Hippo in his early-fifth-century *De civitate Dei*, and a similar ecclesiastical attitude very likely extended into the early Middle Ages.[110] Early medieval burials in England at boundaries and roadsides may in part represent suicides who were denied interment on consecrated ground.[111] We can expect that any cases of captive suicide, even by early pagans or non-Christian vikings, would have been actively omitted from the records made by Christian, usually ecclesiastical, authors. The implications of suicide for one's eternal soul imply that it may have been rare amongst Christian slaves and captives. Even if slave-owners did have concerns regarding suicide, cultural taboo appears to have rendered these worries invisible.

The evidence of individual acts demonstrates that slave violence remained a serious concern for slave-owners, and that such behaviour could still force questions of responsibility and criminality. Some acts for which we have evidence can very clearly be classed as forms of slave resistance – the killing of one's owner, injury to those people preventing escape, or injury to the livestock crucial to their labour. Others, such as the killing or injury of people generally, have no intimation of intent and tell us more about inter-status relations than about slaves' perception of their own status. Though they are evidence of a negative, the lack of slave revolt

[107] *Ancient Laws* III, 179–81.
[108] T. L. Snyder, *The Power to Die: Slavery and Suicide in British North America* (Chicago, 2015), p. 24.
[109] Bradley, 'Resisting', pp. 377–78; A. Murray, *Suicide in the Middle Ages, II: the Curse on Self-Murder* (Oxford, 2000), pp. 179–81 and 433–34.
[110] Murray, *Suicide*, pp. 113–17 and 194–200.
[111] A. Reynolds, *Anglo-Saxon Deviant Burial Customs* (Oxford, 2009), pp. 214–16.

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and slave suicide, common aspects of large-scale slave societies, serve to underline the nature of early English slaveholding both in its relatively limited scope and the social conditions within which it operated. Communal justice and integrated communities of free and unfree people may have pre-empted slave revolt in the same way that they seem to have forestalled popular uprisings, though why the free peasantry responded to increasing aristocratic power seemingly without collective violence has yet to be understood.

CONCLUSIONS

Study of slave resistance gives us a fresh angle from which to approach the position of slaves in the social hierarchy, in legal contexts, and even in their labour. Though we must approach the early medieval English context via the anticipated problems of slave labour, working backwards yields greater understanding of how the enslaved themselves fit into their communities and how slavery operated as a legal institution. The perceived potential of slave resistance by slaveholding elites could shape legal jurisdiction and procedure, force consideration of ecclesiastical intercessory power, and ultimately inform the way in which societies treated their slaves. While acts of resistance were certainly backed by slaves' desires to push against the constraints put upon them, this intent has been erased or omitted from the historical record. Flight, theft, and violence required lawmakers to consider accountability for these actions in a way which preserved slave-owners' rights over their property, but which also gave due regard to victims in honour- and compensation-based legal systems. These reactionary attempts at maintaining the sociolegal hierarchy indicate that slaves did not need to resist collectively, on a massive scale, or even regularly in order to have a significant impact upon the world around them. Even where actions such as flight and theft played into broader concerns such as the maintenance of communal peace, consideration of slave behaviour remained influential in the application of legal innovations.

Approaching the medieval evidence for resistance from the perspective of rich scholarship on large-scale slave societies requires us to address why some forms of resistance were feared and not others. The English kingdoms' status as only smaller-scale slaveholding societies, not wholly organized around the institution of slavery, offers some explanation as to why there is no evidence of collective violence, suicide, or maroon communities. Pressing this absence further via comparative study, however, highlights the circumstances unique to a medieval context that influenced conditions alongside, or even entirely separately from, those created by the scale of slavery. Wessex appears to have accepted the intercessory power of sanctuary for slaves on a basic level from the seventh century, and escaped captives or slaves may have achieved significant success in returning to their homes or finding safe-haven in enemy territory. Even despite

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the top-down perspective of our sources, these conditions reveal nuances governed by gender, master-slave relationships, and opportunity. Fears of the unfree and their capabilities, and the impact this had on law and governance in particular, enables us to better understand the nature of slavery in early medieval England.[112]

[112] I am grateful to the anonymous reviewers, as well as Alice Rio, David Kalhous, Lois Lane, and the attendees of the Oxford Medieval History seminar for their constructive comments on this work.

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