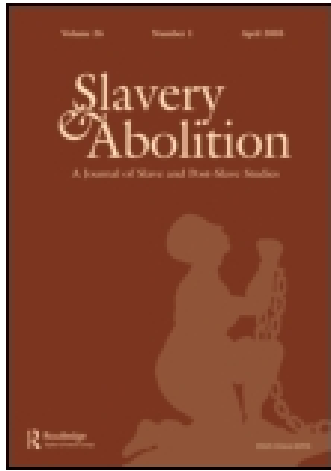


This article was downloaded by: [McGill University Library]

On: 17 December 2014, At: 09:51

Publisher: Routledge

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



Slavery & Abolition: A Journal of Slave and Post-Slave Studies

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/fsla20>

Circe's pigs: From Slavery to serfdom in the later Roman world

C. R. Whittaker^a

^a Fellow of Churchill College and Lecturer in Ancient History, University of Cambridge

Published online: 13 Jun 2008.

To cite this article: C. R. Whittaker (1987) Circe's pigs: From Slavery to serfdom in the later Roman world, *Slavery & Abolition: A Journal of Slave and Post-Slave Studies*, 8:1, 88-122, DOI: [10.1080/01440398708574928](https://doi.org/10.1080/01440398708574928)

To link to this article: <http://dx.doi.org/10.1080/01440398708574928>

PLEASE SCROLL DOWN FOR ARTICLE

Taylor & Francis makes every effort to ensure the accuracy of all the information (the "Content") contained in the publications on our platform. However, Taylor & Francis, our agents, and our licensors make no representations or warranties whatsoever as to the accuracy, completeness, or suitability for any purpose of the Content. Any opinions and views expressed in this publication are the opinions and views of the authors, and are not the views of or endorsed by Taylor & Francis. The accuracy of the Content should not be relied upon and should be independently verified with primary sources of information. Taylor and Francis shall not be liable for any losses, actions, claims, proceedings, demands, costs, expenses, damages, and other liabilities whatsoever or howsoever caused arising directly or indirectly in connection with, in relation to or arising out of the use of the Content.

This article may be used for research, teaching, and private study purposes. Any substantial or systematic reproduction, redistribution, reselling, loan, sub-licensing, systematic supply, or distribution in any form to anyone is expressly forbidden. Terms & Conditions of access and use can be found at <http://www.tandfonline.com/page/terms-and-conditions>

*Circe's Pigs: From Slavery to Serfdom in the Later Roman World**

"Those who are accepted onto the estates of the rich are transformed like the pigs of Circe. Those the rich take as outsiders and foreigners they begin to treat as their own: those considered to be free are turned into slaves (*servi*)."¹ So wrote the fifth-century priest, Salvian of Marseille, in the twilight of the western Roman Empire, as he bitterly denounced the selfishness of the landed gentry in their oppression of the poor. In so doing he highlighted some of the most intriguing problems of the last days of the Roman Empire. What happened to the slaves of the Roman world? Did they simply disappear and merge into a single servile lump along with tenant farmers (*coloni*)? And, if so, was this how medieval serfdom began?

At first sight Salvian appears to provide the answer. And yet the problem is not quite so simple. For if there is one thing we can be really sure about it is that slavery went on long after the Roman Empire had ended. When the Domesday survey was carried out in England during the eleventh century 10 per cent of the population were slaves, apart from the other workers on the land, and a slave could be bought in Lewes market for fourpence.² In Genoa in the thirteenth century the proportion of slaves was as high at 10 to 15 per cent in a population of about 20,000 and a slave could cost somewhere between the price of a mule and a good horse.³

So, if the fundamental difference between slavery and freedom persisted, what was the relative importance of one to the other in the Later Roman Empire? We want to know about the complex and changing status of those whose condition fell somewhere on the spectrum between slavery and freedom as the Roman Empire was transformed into the kingdoms of the Middle Ages.⁴ Is it true, as Salvian suggests, that free peasants were really forced to become slaves who could be bought and sold as chattels? If so, what was the relationship between these new slave-peasants and other slaves? And where do the serfs we all know about in the Middle Ages fit into the picture?

1. THE SLAVE MODE OF PRODUCTION

Let me begin with the question of the use of slaves in the Later Roman Empire, which is relevant to whether there was a sharp reduction in their numbers. Some might be surprised to find this problem on the

debating list at all, since Westermann, who wrote a textbook on slavery 30 years ago, declared categorically that the decline in use and numbers of slaves during the course of the Roman Empire in the first to third centuries was accepted "by all important scholars of the present century". At the time he was probably right, having the impressive backing of authors as diverse as Karl Bucher, Ettore Ciccotti and Eduard Meyer, although Westermann did admit that the decline in the Later Empire cannot be given any sort of "statistical computation".⁵ Powerful support also came from certain Marxist historians, whose thesis of the collapse of the Later Roman Empire rested four-square on the assumption that, after the slave mode of organization had led to stagnation of production, a decline in slave numbers took place – either because the external supply of slaves dried up, thereby aggravating an already bitter class struggle,⁶ or because the economic failure of gang-slavery and mass production led to a drop in demand for slaves.⁷

The difficulty is, however, that a number of medieval historians, starting with Marc Bloch in a famous posthumous article, have noted that in the early Middle Ages slaves seem to be everywhere. "There were more, it would appear", said Bloch, "than during the early days of Empire."⁸ How can this be, if slavery was so out of favour? The only answer must be, for those who believe in the decline of slavery in the Roman Empire (of whom Bloch himself was one), that just as slavery was dying out, there came about "une sorte de recrudescence", a second phase of slave production fuelled by prisoners of the great wars of the Later Empire.⁹

But is it "a recognized fact", as it used to be claimed, that slavery declined drastically in the Roman Empire before the third century A.D.? And was there a total change in the way agriculture was organized and a rehabilitation of free labour in the Later Roman Empire?¹⁰ The answer now is, "Far from it" – thanks largely to the work of Finley. Finley not only exposed the weakness of the evidence derived from "a handful of individual prices" spread over four centuries and the fallacy of arguments linking price to demand, which had been put forward by his predecessors,¹¹ but on the more positive side he stressed two fundamental tenets of what might be called "the replacement theory". First is the fact that slaves never had been the dominant form of labour except in the "classical heartland"; whereas our concern should be "over the empire as a whole".¹² Second was his belief that, "so long as that labour is needed, slavery cannot decline *tout court*: it has to be replaced". In short, the numbers of slaves depended on demand, not on availability; demand was determined by alternative labour supplies; and the demand was always limited to certain restricted areas.¹³

If we deal with the "heartland" first – that is, mainly Italy, where

Finley himself believed there was a real but far less dramatic decline than previous crisis theories had suggested – we must first understand the debate concerning the “slave mode of production”. The term, about whose value as a description of a specific period of Roman history Finley had considerable reservations,¹⁴ derives from but was never articulated by Marx himself in this sense. It has, however, come to be regarded as a useful designation for a new method of exploiting slaves during a period in the Later Roman Republic and early Empire, when there developed in Italy the systematic organization of gangs on the farms attached to the residential villas of the rich, under the direction of an agent, whether or not his master was present.¹⁵ The type of farm is well known from the various descriptions of agronomists such as Cato in the second century B.C. and Columella in the first century A.D., as well as from references to chain-gangs and slave prisons (*ergastula*) made by the Elder Pliny and by the Younger Pliny in Italy of the first and second century A.D. (*NH* 18.7.4, *Ep* 3.19.7). Hence it is sometimes misleadingly called the “villa-system”, although we know that other farming villas could and did exist in Italy and in the provinces in all periods without ever employing such gangs.¹⁶

In fact, even the most ardent believers in the importance of such a system confine it largely to the central regions of Italy (Campania and Etruria) from where it was perhaps sometimes exported to those limited regions of Spain, Southern France and North Africa which were colonized during the Later Roman Republic. Even in Italy recent studies of the region around Buccino in the south report that the estates and farms there do not “seem so large that the impersonal *ergastula* system could dominate” at any period in the Empire whether early or late.¹⁷

The difficulty in trying to assess the changes that took place in the Later Roman Empire is to know how many of the estimated two to three million slaves working there during the hey-day of the “villa system” in the late Republic and early Empire¹⁸ were actually mobilized into the gangs of field slaves prototypical of the “slave mode”. A survey of South Etruria, for instance, estimated that 78 per cent of all rural sites during this period were the remains of huts or small farms.¹⁹ This means that, regardless of who owned the land, the organization of the labour force on these sites was not likely to have been in gangs. Many must have been like Horace’s Sabine farm, where only eight slaves worked under the bailiff, presumably at their own appointed tasks, while the rest was let out to tenants.²⁰ Even in the late Republic slave herdsmen, in addition to residence on the central villa (with female companions), sometimes lived out in cottages in the countryside, (Varro, *RR* 2.10). It is tempting to draw a parallel with the

antebellum southern United States, where half the slaves worked on farms and not on plantations and many others were owned singly by poor whites to help around the house.²¹

One particular reason alleged for the growth of the "slave mode" of gang labour is that it greatly assisted in the productivity of Italian wine – a commodity that increased significantly in the later Republic. But I have to confess that it is not clear to me how the technology of vineyards benefitted from the employment of such gangs, apart, of course, from during the vintage. But then free labour was hired anyway. And the benefits are even less evident in the cultivation of grain. Columella gives the impression that being forced to chain the most intelligent slaves (since they were also the most likely to run) was a hindrance to the skilled job of vine dressing (1.9.4). The only reason he produced for gangs (*decuriae*) was to keep the slaves under better control (1.9.7–8).

One is left with the impression that the main *raison d'être* for the residential villa with its prison quarters (*ergastula*) and shackled gangs lay not so much in the type of crops, nor in how they were being produced, as in the management of prisoners of war. Although the *communis opinio* that Republican villas were worked exclusively by male slaves is demonstrably wrong,²² a high proportion of them, whether male or female, at any one time must have been imported and difficult to manage. In the Early Empire, by contrast, the supply of home-bred slaves or of exposed children sold as slaves increased dramatically²³ – a development that was accompanied by an improvement and enlargement of the living quarters of the villa,²⁴ less need for slave prisons²⁵ and ultimately by the abandonment of enclosed farm quarters attached to the villa. That, I think, helps us to understand why many residential villas disappeared during the course of the second and third centuries A.D. and were replaced by estate villages,²⁶ although it does not inform us how slaves were actually used on the farm in the later periods.

From the start the "villa-system" was accompanied by tenancy. On Columella's slave-run farm in the first century A.D. an oven and a mill were provided, "as will be required by the number of tenants (*coloni*)" (RR 1.6.21). At about the time that the well-known villa of the Volusii family at Lucus Feroniae (just north of Rome) was undergoing building extensions in the first century for what is regarded as a large, rural slave establishment, Columella reported that a senior member of the family was extolling the virtues of an estate "which has native tenants and kept them as though they were born on their paternal property" (RR 1.7.3). There is no real evidence that such tenants were ever required to give *corvée* services as part of their normal tenancy agreements.²⁷

The living reality of a mode of production, said Marx, appears both in "a relation between individuals" and in "a specific mode of working".²⁸

It is not easy to see how the “villa-system” measures up to such specificity, despite its undoubted influence over a limited period of time. Not only were there many different relations between slave and master on the estates, but the mode of working was not specific to any one product. The vineyards of Tuscany and Campania were never like the sugar plantations of the Caribbean or (to a lesser extent) the cotton estates of Louisiana, where slave teams were needed to work in conditions no free labour could have tolerated in order to operate at all.²⁹ The Tuscan villa of Sette Finestre apparently abandoned its wine and olive oil production in favour of grain at the very moment that its resident slave population expanded.³⁰

The theory that the slave “villa-system” in Italy disintegrated due to the inelasticity of its productive growth – that is, when the concentration of estate ownership in the hands of fewer rich brought diminishing returns because of the costs of supervision³¹ and the market for the special products of the villa disappeared³² – is extraordinarily difficult to substantiate, partly because it is by no means certain that there was a fall-off. Wine production in Italy did not diminish after many of the residential slave villas had ceased to operate³³ and wine was only one of a number of products of the villa. Indeed, Italian production may not have declined overall until the later third or early fourth century.³⁴ Certainly there is no generally accepted argument that it died in the second century A.D. when the “villa-system” is supposed to have ended. But, then, it is also practically impossible to tell from our evidence whether the large estates that were worked by slaves on a centrally *organized* domain (even if the slaves resided in villages) or whether, as can be argued quite reasonably, all the land of an estate was allocated to tenants, either in small parcels under a domanial agent or *en bloc* to a tenant-in-chief.³⁵

But if we accept that there was some growth in tenancy as the Empire progressed, was the change so great and what are the implications of this for the employment of slaves? To start with, slaves as tenants or quasi-*coloni* and absentee landlords or tenants-in-chief were not a new development of the Later Roman Empire. Tenancy of all types, including that by slaves, was a norm rather than an exception, side by side with villa-based production, that had a long history stretching back to the Republic.³⁶ One did not evolve from the other.³⁷ Neither was tenancy linked necessarily to a shortage of slaves.³⁸ Legal writing about tenancy does not date from the Empire in response to a supposed decline in slavery. In fact, it began in the second century B.C. and was quite prolific in the late Republic.³⁹ The Romans recognized that tenancy had certain regional advantages for extensive cereal farming against intensive arboriculture,⁴⁰ which could well explain change in

settlement patterns in regions like the *ager Cosanus* on the Tuscan coast in the second to third century A.D., which had never produced quality wine anyway. It is also clear that slaves had always been used to cultivate small parcels of land individually on centrally organized estates and that this was not a particular development of the later Empire. Where they lived may have changed; their mode of employment did not.⁴¹

While, therefore, we must accept the force of the argument that a number of villas disappeared as multiple property ownership grew and estates became simply bigger, it is implausible (despite the ambiguity of the evidence⁴²) that every member of the landed aristocracy lost interest in directly farming at least some of their more accessible estates; or that tenants-in-chief ceased to farm for themselves as quasi-*domini* with their own slaves, as in the Middle Ages. It is true that Palladius, an agrarian writer of the fourth century A.D., makes no explicit reference either to slave field workers or to corvée labour by tenants, and this reinforces those who doubt the existence of central domanial farming.⁴³ But the omission is not surprising, if we remember that Palladius was giving general advice. "There cannot be one way of organising the work when there are so many different types of land", he says (*Agric.* 1.6.3), and he included within his survey provincial farming, where slavery was not common. Corvée labour services, in any case, is an irrelevance, since it never existed in Italy, as far as we know.⁴⁴

In fact, it is difficult to understand the many references Palladius makes to the villa, or *praetorium*, with its attached presses, barns, vineyards, gardens, haystacks, cattle ponds and fields (e.g. *Agric.* 1.6, 31, 32, 35), if he is not describing a central, working domain, which was rather more than an estate office for the organization of tenants – as some have argued. A closer parallel would seem to be that described in the archives of the Abbey at Farfa in Sabinum during the eighth century A.D., where there were two types of slaves: those who were *residentes* holding coloniary tenures and those who were *manuales* working the central domain, even if they also held small lots for their private profit (or *peculium*).⁴⁵

The same conclusion can be drawn from other references, such as Ambrose's contemporary description of a man labouring to fill his master's barn with corn and his table with wine, fish and game (*de Nab.* 20);⁴⁶ or when Gregory the Great describes a Sicilian church estate at Lilybaeum (Marsala) in the sixth century devoted to cattle, sheep and vines, staffed by three *pueri* and five slaves. But one has to admit that the passages are ambiguous; the estates might have been entirely divided up into tenant plots. The most explicit references to estate labour, which ought to settle the matter, are maddeningly obscure at

the crucial point of enquiry. The saintly Melania, for instance, manumitted many of her slaves who inhabited 62 *villulae* on her estates. What does *villulae* mean here? The number of slaves given in the source is 400. But were the 400 slaves the inhabitants of each “village” – implying labourers within the “villa-system”? Or were these 400 the total number from 62 “farms”, six or seven per farm, suggesting the pattern of a tenant’s extended family?⁴⁷ A well-known papyrus (*P Ital* 3) recording the revenues of the church at Ravenna in the mid-sixth century, lists a *saltus* near Padova run by a bailiff alongside other lots that are designated as *coloniae*, and in another (unknown) region it notes days of labour services. But can the bailiff’s estate be called a domanial farm on this evidence? And is this example typical of the earlier periods of late imperial Italy?⁴⁸

Purely on *a priori* grounds we might expect that farming in the later Empire was conducted, as it had been both in earlier imperial and in later medieval periods, by a combination of tenant and domanial labourers. Without subscribing to a model of Carolingian seigneuries, run by servile dependents housed in “manses” owing labour dues, it is surely possible to imagine the rich directly farming parts of their lands with resident slaves. We have references to hired labourers, to estates run exclusively by slaves and to rich men paying for harvesters on their estates.⁴⁹ When Pope Pelagius in the sixth century instructed his agents to seek out of an estate legacy those slaves who could maintain “cottages” or could “cultivate” (*qui vel continere casas vel colere possint*) (*Ep.* 84), he seems to define two types of slaves, just as at Farfa – those suitable as tenants and those better fitted as field slaves of the domain. Medieval experience should lead us to expect that land moved in and out of demesne, according to the conditions of political and economic stability. Wars and disruption of prices tended to drive land from demesne to tenancy and led to “the substitution of waste by [tenant] farmers for the peculations of the lord’s bailiffs”.⁵⁰ Although I do not think it proveable that prices in Italy fell in the Later Empire,⁵¹ it is self-evident that wars and political instability increased. So it would not be astonishing to find estate owners turning to tenancy as the preferred form of management.

In short, I conclude that there was a shift from domanial to tenant farming by the fourth century in the classical heartland, but it was not as profound a change as has been supposed. Small-holders in Italy, including tenants themselves, continued to employ slaves; large estates contained domanial farms worked by both slaves and free wage labour. But it was probably rare for slaves to live in the domanial villa rather than in villages, thus reflecting the greater stability of native-born slaves.

2. SLAVERY IN THE EMPIRE

Other parts of the Roman Empire, that is, most of the rest of Europe and Africa, as Asia and Egypt, had always relied on dependent, rural labour of tenants or day-wage labourers.⁵² It is, of course, these latter provinces about which we have increasingly good information as the Roman Empire developed. So it is insignificant that in these regions there was a relative absence of slaves during the Later Empire. The more significant fact is that slavery persisted during the Middle Ages for longer in Italy, Spain and Southern France than in other Mediterranean countries or Northern France.⁵³

It is important to be clear about this point and to be categorical. It is simply not true, as sometimes alleged, that the many farms of Northern France recently discovered by air photography or that the African farms portrayed on mosaics are impossible to comprehend without rural slaves.⁵⁴ On the contrary, in western provinces the standard aisled and basilican farm buildings of the classical period are described as "indications of a more indigenous society ... in which the kinship group rather more than the social class is likely to have been the determining factor", and they invite comparison with the halls of the medieval period.⁵⁵ Slaves, if they were used at all in these regions, were not part of a slave mode of production, in the sense described earlier.

Most of the specific evidence we have for slaves in Gaul and Africa, as in Asia, refers to slavery as urban and domestic, not as a rural, agrarian phenomenon. In Africa pre-Roman productive relations between dependent, client-like labourers and chiefs persisted as the commonest form of post-conquest organization. And it persisted into the Later Roman Empire. The new letters of St. Augustine give sharp focus to the fact that the territory of Hippo Regius (Annaba), a region noted for its large aristocratic estates (*fundi*), was almost entirely stocked with *coloni*.⁵⁶ That appears to have been true of estates in Africa two centuries earlier, if we can judge by several celebrated inscriptions from imperial estates in the Medjerda valley of Tunisia.⁵⁷

Similarly, studies of pre-Roman Gaul and Germany confirm that the near slave-like conditions of tributary retainers continued into Roman times. If, as one recent writer puts it, "la relation clientaire est en germe dans le tribut", then there was no reason to exchange such slave-like dependents for chattel slaves.⁵⁸ It is true that in the first two centuries A.D. there was a growth of relatively prosperous farms in the northern parts of France and Belgium, caused perhaps by the demand for food by the Roman frontier armies of Germany and Britain, although this subsequently collapsed when the army changed its sources of supply.

But we have absolutely no evidence in these regions of what the social relations were between the rich and the poor.⁵⁹

The effect of the third-century change in Gaul, for whatever reason, led to abandonment of many of the farms and a move to nucleated communities, sometimes on to hill-top sites. Those fewer, richer villas (the sort vividly described by Ausonius or Sidonius) which did survive into the Later Empire bear all the hall-marks of a return to the old, dependent relations of the early conquest period. Above all, in none of this change is there any suggestion that slavery became common in northern France. Only in the Midi, perhaps, is there some reason to think that early Roman colonization led to some initial assimilation of Roman chattel slaves and Gallic client-dependents, probably under the impetus of the slave trade with Italy. But there is no evidence, so far as I am aware, that even there was there anything specifically identifiable from literature or archaeology as “une production esclavagiste” – the “villa-system”, discussed earlier.

3. SLAVE NUMBERS

Precise quantification of slaves is naturally impossible and perhaps unimportant, since numbers matter less than the place occupied by slaves in the fabric of society. But it is worth looking at what evidence there is. Overall, the impression of a radical change is not overwhelming. The references to slaves and freedmen in the legal books of the *Digest*, which is a collection of texts dating from before the fourth century, are about three times as many from the one hundred years after A.D. 193 (the period of supposed decline) as from the three hundred years before. Admittedly, many of the later references cite authors of former periods. But it is perverse to argue that this proves statistically that slavery had declined by the third century.⁶⁰ Huge numbers of slaves are mentioned from time to time in the sources of the Later Roman Empire, like the pious Christian Melania, noted earlier, who manumitted in one day 8,000 of the slaves of her estates;⁶¹ or the wealthy citizens of Antioch in the fourth century whom John Chrysostom says owned vast tracts of land, plus ten or twenty houses and one to two thousand slaves each (*PG* 7.608).

While these anecdotes have no statistical value, it is impressive all the same to learn that even the very poor of Antioch owned slaves (John Chrysost. *PG* 62.158), sometimes two or three (Libanius, *Or* 31.11). The same is said by Augustine about Africa (*Enarr in Ps. CXXXIV.7*), and Bishop Synesius of Cyrene says that every household owned a Goth slave (*Ep.* 130). Many of these are references, no doubt, to urban,

domestic establishments not to rural slaves; and there is little reason to think there was any reduction in the numbers of household slaves around the Empire. But even about the countryside Symmachus, who was a prominent senator in the late fourth century, writes in a matter of fact way as though slaves were a standard part of the Italian scene. His reference to the concern of landowners about slave rebellion or to the numbers of fugitive slaves-turned-bandits, even close to the town, is strong evidence of just how common such rural labourers were (*Epp.* II.46, IV.48, IX.53, 140, 121 etc).⁶² But that is as far as we can go using the ancient texts.

4. SUPPLIES OF SLAVES – EXTERNAL AND INTERNAL

So why should people have ever thought that there was a serious decline in the numbers and use of slaves throughout the Empire? Several reasons have been put forward. The commonest is that the supply of slaves must have dried up as the frontiers of the Empire became static and wars of expansion stopped. Certainly in this respect we cannot match all the spectacular figures of slaves imported into Italy during the Republican wars of expansion, like the 150,000 Epirotes brought to Rome in 167 B.C. or the million Gallic prisoners taken by Julius Caesar.⁶³ But the frontier wars of Claudius, the Flavians and above all of Trajan, with the huge captive booty he won from Dacia – over half a million, according to John Lydus (*de Magist.* 2.28) – do not offer much comfort to those who see the age of Pliny the Younger (an exact contemporary of Trajan) as the critical point of the Italian labour shortage that brought about the restructuring of Italian agriculture.

But, even if we concede some diminishing of the foreign slave supply in the first to second century A.D., as I think we ought, it is not easy to see why this should be thought true of the more or less non-stop wars of the third century to fourth century. Nor why the price of slaves should be supposed to have had any influence on employment strategies in the Later Roman Empire.⁶⁴ Quite apart from the great wars of the Later Roman Empire and early medieval period, which could produce “many thousands” of barbarian captives (*Isidor. Hist. Goth.* 54), sometimes flooding the market (as we know happened in 406), there was always an active slave market on the frontiers in more peaceful periods. The famous story, repeated by several sources, of starving Goths in the fourth century selling themselves for the price of a dog (*AM* 31.4–5, *Jord. Get.* 26.134–5) is only one example in a long history of famine driving northern tribes into Roman servitude.⁶⁵ Soldiers on the frontiers benefitted financially (*Them. Or.* X. 138b), as did court officials (*Symm. Ep.* II.78). Julian’s remark that the ruthless

acquisitiveness of Galatian slave-traders on the Danube frontier made it unnecessary for him to attack the barbarians (AM 22.7.8) is an illustration of this activity; while the references to Frankish slavers who operated deep in Germany in the seventh century⁶⁶ suggest that barbarian slaves often came to the Roman world after wars between barbarian groups beyond the frontiers of which we know nothing.

Slave-trading was fuelled not only by external wars but by a considerable internal supply, victims of kidnapping and poverty, or from breeding. Paradoxically, support for the argument of a chronic shortage of slaves in late antiquity is supposed to lie in the evidence for “domiciled” or “cottaged” (*casarii*) slaves, who, it is argued, increased in this period because masters believed that they would breed more fruitfully if they were treated more favourably like tenants.⁶⁷ Breeding, however, was recognized as a highly profitable activity even at the height of the Republican wars of expansion, in a period that is usually alleged to be devoted to gang-slavery (App. *BC* 1.7). Recent studies have underlined the fact that marriage of slaves and the sale of children were encouraged and regarded as a matter of course, not as exceptions.⁶⁸ Archaeological evidence confirms that this was as true of the slave-run villa as of tenants, since the size of the slave quarters and rooms more or less doubled in the Antonine period.⁶⁹

Whether the slave inscriptions of the Empire, which record that eight out of nine slaves were of Italian or Roman provincial origins, is a reflection of their true proportions,⁷⁰ there is no doubting that even under the Republic the concern for slave welfare, including sick bays and protection against working in malarial regions (e.g. Varro, *RR* 1.17), improved the conditions under which slaves could reproduce. This makes the comparison with the United States in the nineteenth century, where the slave population reproduced itself internally, more plausible than that of the “sugar-producing jails” of the eighteenth-century Caribbean, where the proportion of male to female was nine to one and life expectancy of a slave as low as five to seven years.⁷¹

Vivid light has been shed on another source of internal supply in the Later Empire by the recently discovered letters of Augustine, which give us more details than we possessed before about the normality of sale and kidnapping, which imperial law was incapable of preventing.⁷² One letter (*Ep.* 10*) tells of a night raid by Galatian slave-dealers upon a rural village (*villula*) in Augustine’s diocese of Hippo in Algeria, which killed the menfolk and kidnapped the women and children. Indignant members of the church, however, freed the prisoners as they were being loaded on the dockside – to the number of 120, of whom very few (six) turned out to have been legitimately sold by their parents. This is only one of several episodes mentioned in the letter, which

also speaks of raids beyond Augustine's diocese, some apparently by barbarian-looking soldiers (in Roman employ), who sold the victims to the dealers.

Sale of children by their parents, usually because of famine or grinding poverty and on an extensive scale, is often mentioned (e.g. *N Val.* 33(451) – *cunctos homines* “throughout Italy”; *CTh* IX.27.2 (322)).⁷³ Though sold legally, Augustine clearly worries that they were not *veri servi* and that parents were contracting the “labour service” (*operae*) of their children “into perpetual servitude” (*Ep.* 24*.1.3–6), revealing the narrow divide between debt slavery, indentured labour and chattel slavery, despite the legislation separating them.⁷⁴ Although it was unclear to Augustine whether landowners had the right to enslave and sell the children of their *coloni* (in one case he notes a *colonus* who sold his own wife as a slave),⁷⁵ the letters underline the numbers of slaves in a single shipment and the frequency of such events (*tanta ... multitudo* etc. *Ep.* 10*.2.1). They also, incidentally, confirm evidence known from Egyptian papyri, that the market was for women and children, not adult male landworkers, as one might have supposed if there had been a rural labour shortage.⁷⁶

Nor were these events the exceptional result of disturbed conditions, as some have suggested. Or, at least, there is nothing to indicate it. Augustine speaks of “innumerable barbarian tribes” taken captive from *within* the province – presumably Roman provincials – “daily before our eyes” and “subjected to slavery by the Romans” (*Ep.* 199.12.46). But these sorts of events were not unknown previously (e.g. Cyprian *Ep.* 62 = *CSEL* 3, pp.698–70). Banditry and piracy were accepted as a normality in Roman society (e.g. Greg. Nyssa, *PG* 46.452) which boasted no effective local police force.⁷⁷ Despite ferocious laws, raiders were safely under the protection of high-ranking patrons (*Aug. Ep.* 10*.8.2) and provincials were always vulnerable. Slaves from Africa and Pannonia are recorded by the fourth-century document, the *expositio totius mundi*, as one of the major exports of those two provinces (57, 60); a Gallic slave boy is found for sale by a Frankish officer in Egypt (*BGU* 316.13) ... and so on. It is impossible to believe there was a shortage of slaves when we read that in 484 buyers could not be found for the children put up for sale in Africa (*Vict. Vita, de persec. vandal.* 5.17).

5. DEMAND FOR SLAVES AND THE STATUS OF TENANTS

It is because there was no obvious shortage of supply that those who believe there was a decline of slavery in the Later Roman Empire have

seen the need to demonstrate that there was a reduction in demand. The arguments run as follows:

(a) Legislation in the codes of the fourth to sixth century was pre-occupied with the colonate, showing the deterioration of the conditions of free *coloni* to that of quasi-slaves. Following the axiom, therefore, that where there is sufficient supply of internal labourers slaves become redundant, it is logical to expect a decline in the number of slaves.⁷⁸

(b) Closely linked is the proposition, discussed earlier, that throughout our existing sources, from the early Empire on, a trend can be observed towards the use of tenants as the preferred form of rural labour. Where slaves were used on the land, therefore, they were increasingly settled as quasi-*coloni*, as tenant-“cottagers” (*casarii*), instead of being organized in the slave mode of production, as in former ages.

(c) The economic dimension to this last argument is two-fold; either that slavery had priced itself out of the market, or that the general levels of commodity exchange in the Later Roman Empire fell so low that the purchase of even cheap slaves was beyond the pockets of many former owners.

(d) The social dimension is that slaves, when concentrated in large numbers under appalling conditions of chain-gangs, were a menace to their owners and to the state. Dispersed under peasant-like conditions of production, their social and political consciousness was reduced to that of a “sack of potatoes”, to use the famous analogy of Marx. It is less fashionable these days to add that the Church exercised a strong influence in encouraging manumission and the improvement of slave conditions.

Some of these arguments are not without force and involve the whole political economy of the Later Roman Empire. We have already seen some of the answers and there is no need to repeat what has been said about the limited regions of Italy and the Empire where rural slavery had existed in the earlier periods of Roman history before the fourth century. But if rural slaves in the Later Empire, too, were largely confined to Spain, Italy and parts of Greece,⁷⁹ it should not be surprising that the legal documents of the time were more interested in the colonate than in slavery.

The preoccupation of the law was less with the forms of production than with the fiscal relationship between tenant, landowner and state, much of it stemming from Diocletian’s reorganization of the taxes in the last years of the third century A.D. The taxation system often included a capitation element within the land assessment levy which

gave both state and taxpayer an interest in keeping labourers on the land. Slaves in this respect were an irrelevancy, except when they behaved like tenants.

If we stick simply to the law for the moment, the general outlines of what happened to *coloni* are well known, despite some recent challenges to the traditionally accepted view.⁸⁰ What began in the earlier Empire as free contractual tenants, became by the end of the fourth century men bonded by heredity to the land. "Although they may seem free men in status", says a law of 393 A.D., "yet they shall be considered slaves of the land [*servi terrae*] on which they were born" (*CJ XI.52.1*).

This text, however, illustrates an impenetrable ambiguity surrounding the terms "slaves" and *coloni*, which we have already encountered in practice in Augustine's letters. The very earliest law we possess on the subject in 332 (*CTh V.17.1*), concerning *coloni* who changed landlords, states that they were to be compelled to return in chains to their *origo* "in a servile state" (*in servilem condicionem*). By 367 the children of a mixed union between a free father and a *colona* mother on an imperial estate were to follow the status of their mother (*CJ XI.68.4*) – as normally happened to children of slave women. At about the same date *coloni* were denied full possession of their own property (now defined by the slave-like term *peculium*) which could not be alienated except by permission of the patron (*CTh V.19.1(365)*).

Further legal restrictions followed. It is important to note, however, that the strictest laws concerned those who came to be called *adscripticii* (or in their fullest form, *coloni censibus adscripti* – "coloni listed on the tax census"). These laws were all passed after about the mid-fifth century and therefore after the West had become separated from the eastern Empire. In Justinian's reign in the sixth century *adscripticii* were regarded as of "such inferior status" (*CJ XI.48.22*), and so much like slaves in the *potestas* (power) of a *dominus*, that the Emperor demanded, "What then is thought to be the difference between the two?" (*CJ XI.48.21*).

Meanwhile, however, eastern law took care to recognize a second category of free *coloni*, who remained in full possession of their property and who could break their bond, if they were able to acquire enough land to sustain themselves without the need to cultivate someone else's property (*Nov. Just. 162.2.1*). In the West, since we never find such a categorical legal separation between free and adscripted *coloni*, we must surely believe that by the time of the collapse of the western Empire, *coloni* had never reached that state of abject servility which later developed in the east. This difference is important in considering the background to serfdom in the medieval West. The term

originarii, the standard terminology in the west, stressed primarily that every *colonus* was tied to his birthplace and one never finds the term “free” used of *coloni* at all.

Such are the legal facts. What were their implications in practice for the relative status of free peasant and slave labour? The imperial bureaucracy’s concern to keep land under cultivation, particularly on imperial estates, to yield taxes or rents, was not, of course, a new departure in the Later Roman Empire. But what became clear by the end of the fourth century, when the *capitatio* tax was lifted in some parts of the Empire, was that the fiscal law had become a bureaucratic weapon and that *coloni* were by then regarded as bound to the estates by “the law of origin” (*originario jure* – *CJ XI.52.1(593)*), regardless of the technicalities of the tax system. In other words, the state regarded it as essential to keep the land and the workers on the land producing a taxable income.

But we must not exaggerate the servility of the free tenant class. Landowners often had an interest in evading the increasing pressures of state taxation; so that, while the general economic tendency of the Later Roman Empire was for richer proprietors to acquire greater and greater property, so too they lent their protection to *coloni* who left the land to which they were tied by the *census*. The law codes are filled with ever fiercer penalties against such fugitives and their proprietors. But the constant repetition of the principle testifies to the state’s impotence to defend it. The idea that *coloni* could never be totally tied by state legislation, even under the most efficient bureaucracy, was never more than a dream of emperors. If any confirmation of this obvious point were needed, the new letters of Augustine show just how ineffective such laws were. Neither Augustine nor the *coloni* of an estate show any sign of awareness of such laws when the tenants threaten to migrate, if a bishop they hate is forced on their community (*Ep. 20**).⁸¹ Theodoret, bishop of Cyrrhus in the fifth century, says that heavy tax had deprived many estates of their labourers (*Ep. 43*). The question of illegal movement is not mentioned.

None of this legislation, in any case, indicates to what extent free tenant labour was replacing slaves on the land. A letter by Gregory the Great in the sixth century, instructing the rich Jews of Luni to manumit their slaves, concedes that the workers shall remain on the land “they have been accustomed to cultivate” – but now as *coloni* and *originarii* (*Greg. Mag. Ep. 6.21*). However, a law of 369 (*CTh XI.42.7 = CJ IX.49.7*) refers to the need for proper inventory records of confiscated property to include, “How many slaves, either urban or rustic, ... how many *casarii* (cottagers) and *coloni*.” This surely means that rural slaves were still employed both on the domain and as quasi-*coloni*, the

point made earlier. But in what proportions to free tenants it is impossible to guess.

Nor is there any diminution of legislation in the Later Roman Empire concerning slaves. On the contrary, there is a slight proportional increase compared with earlier periods,⁸² although there was always ambiguity about terms like *mancipium*, which can refer both to slaves and to free *coloni*. Obviously legislative activity is no clear guide to the importance of an institution. For what it is worth, however, references to slaves by the *Digest* lawyers, dating from before the fourth century, occupy about 25 per cent of the collection,⁸³ while in the Edict of Theodoric, which is probably the first fully preserved barbarian code in the West, and so reflects most accurately the latest possible Roman legislation,⁸⁴ 51 of the 154 articles refer directly to slaves. The earliest barbarian codes of Europe in the fifth to seventh centuries, Visigothic law, Burgundian law, Salic law, the Edict of Rothari and the Capitularies of Liutprand, all stemming from Roman law, have even higher proportions.⁸⁵ In both the Later Roman Empire and early European medieval states it is clear from the adjustments being made that these laws were the living instruments of government, not anti-quarian archives.⁸⁶ Whether slaves can be thought to have improved their status formally when they were still sold by the same *venditionis forma* as cattle (*Cod.Euric.* 294) and treated on the same scale of fines as a cow or a horse when stolen (*Lex Burg.Rom.* 4) is doubtful. In formal terms the gap between slave and free was still wide.

6. DID THE SOCIAL STATUS OF SLAVES IMPROVE?

Something has already been said about the general *de facto* treatment of slaves, and whether tenancy became the preferred mode of labour employment on the land, causing assimilation of slaves and free *coloni*. There are some references to "cottager" slaves (*casarii*) in the Later Roman Empire but not an impressive number. The single reference in the Theodosian Code (quoted earlier), which mentions them along with other slaves, is a disputed reading, only adopted because the term appears on inscriptions (*CIL* VI 9237–8). There are a few references to *censiti servi* (slaves of the census – *CJ* XI.48.7(371)), who are generally considered to be bound to the land like *coloni*,⁸⁷ although the single reference to *mancipia ascripta censibus* in the Theodosian Code (*CTh* XI.3.2(327)) happens to say they can be sold apart from the land, provided the new owner is in the same province and takes on the tax obligation. In other words, while the state was keen to tax slaves who "remained" (*manere*) on estates (*CTh* XI.1.12(365)), like *coloni* under the capitation system of Later Roman Empire, it is not obvious that all

rural slaves were necessarily tenants or even on separate plots. Even the legislation which recognized the benefits of keeping slave families together (*CTh* II.25.1(325) = *CJ* III.38.1. etc.) does not prove that these slaves worked their own parcels of land. In more recent slave systems the slaves have often been housed in separate cabins with their families, even though employed in gangs.⁸⁸

In Italy, where rural slaves had always been commoner than elsewhere, a great landowner like Symmachus, though writing about both *coloni* and slaves on his estates, offers no help as to whether the slaves were cultivating separate plots or being replaced by free tenants. The number of references he makes to fugitive slaves and his fears of slave rebellions (e.g. *Ep.* 2.22; 2.46; 4.48; 9.117a; 9.140 etc.) suggests, but does not prove, that slaves were concentrated in fairly large numbers on his estates.⁸⁹ Certainly he says little to make us believe that a new regime of humane treatment of slaves had begun. In a case in which Symmachus had to judge the disputed ownership of a senatorial *massa* – a group of estates – near Praeneste, the workers on the estates (called vaguely *habitores* or *incolae praediorum*) turn out to be a mixed workforce of slaves (*mancipia*), freedmen and others who were probably *coloni* but never actually named as such (*Rel.* 28). This ambiguity is characteristic of the evidence at our disposal.

Whether slave tenancies, as opposed to the “villa-system”, increased specifically in order to stave off slave rebellions seems to me doubtful. Fear of slave revolts seems never to have been far from the minds of rich estate owners, as we saw in the case of Symmachus, who recalled the revolts of Spartacus. Yet the *pericula ruris* that he notes even near Rome (*Ep.* 2.22) did not deter him from acquiring many slaves. On the estates of Melania, too, there was fear of trouble beginning with the slaves of the suburban household (*v. Melan.* (Lat.)10) and brigandage caused by fugitives was endemic in Italy as in the Empire. The spectacularly successful robber band of 600 slaves in Italy led by Bulla Felix in the reign of Septimius Severus (*Dio* 77.10.1 ff.) was a sign of what could happen.

These three examples have one thing in common. The slaves were neither rustic herdsmen nor chained rural slaves from remote estates. They were domestic slaves or resident in the *domus* and near Rome itself. In the case of Bulla’s band, they were skilled artisans of imperial establishments. It was not, therefore, the conditions of gang slavery which drove slaves to rebel or flee. There is no reason to think that by giving them individual plots to cultivate as cottagers landlords believed they could solve the problem. Pliny’s debt-ridden *coloni*, or the wretched *coloni* of sixth century Italy who sold their sons and daughters at St. Cipriano’s fair as urban slaves to improve the children’s living

conditions (Cass. *Var.* 8.33), were not a recommendation for tenancy.

The influences of the Church and Christianity, once thought to be important in the manumission of slaves and in improving their conditions, need not detain us long.⁹⁰ While the Church followed the lead of pagan philosophers in proclaiming the humanity of slaves and even the evils of slavery (e.g. Greg. Nyssa, *PG* 44.664 ff.), prominent churchmen like Augustine or Basil accepted slaves as God's will, part of the natural order and consequence of sin (e.g. Aug. *Civ.Dei* 19.15; Basil, *PG* 13.162). John Chrysostom even went so far as to advise the poor to prefer servitude to freedman status (*PG* 54.606), an interesting parallel to the poor *coloni* of south Italy noted above, and one which recalls Kafka's observation in *The Trial* that "It is often safer to be in chains than to be free".

The humanitarian aspects of Constantine's legislation to keep some families together on imperial estates (*CTh* II.25.1) or to prevent branding on the face (*CTh* IX.40.2) must be set against the same emperor's legislation ordering molten lead to be poured down the throat of any slave conniving at the rape of a virgin (*CTh* IX.24.1) and Ammianus' satirical testimony to the arbitrary cruelty of masters who would order 300 lashes for a slave who was slow in bringing the hot water (*AM* 28.4.16). *Manumissio in ecclesia* was neither new in principle, nor particularly recommended by canon law, which was more concerned to maintain the distinction between slave and free.⁹¹

7. THE ECONOMY OF SLAVE LABOUR

As for the economy of slave labour in the Later Roman Empire, I have little to add concerning slave prices and profitability to what Finley has already done to ridicule conclusions based on flimsy evidence.⁹² The prices for a slave in our Later Roman Empire sources vary by a factor of 30, at least, while in the *Digest* they range from 50 to 5,000 denarii.⁹³ The special conditions governing these prices are almost always unknown to us, but some idea of what they were can be seen in the dossiers of slave dealers in the Middle Ages – age, sex, colour, origins, to mention a few.⁹⁴

Adam Smith's belief that "Work done by freemen comes cheaper in the end than that performed by slaves"⁹⁵ continues to provoke lively debate in the American and Caribbean context involving complex issues which have no parallel in antiquity, such as the expansion of Europe, free trade and the industrial revolution. Smith never argued that slavery was unprofitable and, in any case, no West Indian planter heeded his macro-economic view.⁹⁶ Economic rationalization of this sort, measuring slave versus free labour, presupposes a disposition to

change established practices and values. There is not the slightest evidence in antebellum America that slave owners in the South ever wished to examine the profit and loss account of their estates against those of the farmers in the North.⁹⁷ Neither is there evidence that later Italian landowners made such a calculation, even if they had been capable of doing so – not as long as they drew the staggering kinds of revenues recorded for senators in the fourth century.⁹⁸ Slavery for them was not an optimum economic choice but a way of life.⁹⁹

I am, however, impressed by two other economic and demographic factors which might plausibly have led Italian landowners to favour tenancy, as I believe in fact they did. The first is the growth of marginal land in Italy as a consequence of disease and war in the later third century, followed by the imposition of a land tax on Italy for the first time in five hundred years.¹⁰⁰ “The condition for slavery to end on economic grounds”, we are told, “would be that marginal value productivity fall to subsistence, at which point, *if the labour input were assured*, owners would be indifferent as to whether to use free versus slave workers.”¹⁰¹ I have stressed the words about assured labour input because of the well-known fact that peasants in Italy were less and less conscripted from the land for military service or sent overseas to colonies. In the Roman army Italian-born soldiers reduced from a peak of something between ten and twenty per cent of the adult male population per annum in the late Republic¹⁰² – which produced incalculable, permanent losses through death and disease – to virtually zero by the time of Hadrian in the mid-second century A.D.¹⁰³ In effect the very conditions which had encouraged slavery in the Republic were reversed by the time of the Later Roman Empire. We should expect changes at the margins of the rural economy.

The other economic aspect of slavery in the Later Roman Empire, which Finley himself proposed, is that the decline of cities led to a reduction in the urban commodity market and with it the purchasing power of the producer.¹⁰⁴ Since the decline of cities now appears less obvious or uniform in the Later Roman Empire than was once believed, and particularly in Italy where rural slavery is at issue, it is difficult to know just how much weight to give this factor.¹⁰⁵ The rich were still exceedingly rich, even if they took more often to their estates. And the market certainly did not disappear. Nevertheless, the internalizing of exchange and dues, bypassing the market economy, although not as great a contrast with the earlier Empire as has sometimes been alleged,¹⁰⁶ may have made dependent tenancy a more attractive mechanism for extracting surpluses than rural slavery.

Again, however, an attractive alternative reason for the decline of the slave market lies close to hand, consistent with the replacement

theory. I refer to the immigrants from beyond the frontiers, who were putting ever greater pressure on the provinces of the Empire, particularly those in the West.¹⁰⁷ Many prisoners of war still simply ended up on the slave market, like the 20 stable slaves Symmachus purchased on the frontier (*Ep.* 2.78). But, with the very large numbers of barbarian tribes who sought protection or surrendered to the state en masse, there was an evident preference by the emperors, even before the fourth century, to settle them in communities or as individuals on the land. Aurelian planned to settle *familias captivas* on imperial estates in Tuscany (*HA Aurel* 48.2) in the third century and Count Theodosius, after defeating the German Alamans in 370, "sent off his prisoners by imperial order to Italy, where they received fertile parishes [*pagi*] which they now cultivate around the river Po as *tributarii*" (*AM* 28.5.15). There is a well-known piece of legislation in 409, after the defeat of the Gothic Scyrae on the Danube, which invited landowners to "supply their own land" to the prisoners under the conditions of *coloni*, who could not be removed from the land they were assigned after a period of adjustment, nor could they be reduced to slavery (*CTh* V.6.3).

Although there is some dispute about whether *tributarii* always means barbarian *coloni* rather than "taxable dependants" (as perhaps in *CTh* X.12.2.2(368)),¹⁰⁸ there can be little doubt that we have here an important category of servile rural labour in the Later Roman Empire, similar if not identical to *dediticii* and *laeti*, barbarian prisoners settled within the provinces and Italy. As *coloni* they had the advantage to the state of being technically free men available for military service and they solved a chronic fiscal problem of how to keep deserted lands paying taxes.¹⁰⁹ The idea of reducing frontier barbarians to the status of tax-paying subjects was, of course, not new but the scale, the widespread distribution of the settlements and, perhaps, the legal status were.¹¹⁰ The circumstantial fact of their settlement, mostly in the western provinces (northern France especially) and in northern Italy, where dependent *mezzadria*, or partiy tenancy, was probably always the preferred form of farming, doubtless determined the mould of their status.

8. SUMMARY OF ARGUMENTS CONCERNING THE DECLINE OF SLAVERY

To sum up this discussion about the supply and demand for slaves in the Later Roman Empire, we can say that there is no possible statistical, and only some limited circumstantial, evidence to support the theory that there was a radical change in the use of slaves in the Later Roman

Empire. It is true that we cannot find parallels for the very large figures for slaves acquired as war booty in the Republic. But foreign slaves still continued to arrive as captives regularly and in quantity, perhaps even increasingly in the wars of the Later Roman Empire, supplementing what was undoubtedly a growing number of home-bred slaves or enslaved provincial freemen. These latter elements, some of them already *coloni*, as we saw in the case described by Augustine, may have encouraged estate owners to expand a practice, which was long known, of putting slaves out onto individual plots and cottages, sometimes as quasi-*coloni*, although there is no strong reason to think domanial farming, including the use of hired labour (especially at harvest time), had ended. The growth of tenancy and allocation of plots must have been strongly influenced, however, by new sources of labour now available both internally and from trans-frontier immigration.

9. THE ASSIMILATION OF SLAVES AND FREE TENANTS

We can now turn to the two other aspects of slavery I began by proposing to discuss, the final assimilation of slaves and dependent labourers and their transformation into serfs in the Middle Ages. These are both large questions, much debated in the past, which are finally for medievalists to deal with. All I wish to do here is briefly to suggest some rough lines along which one might consider the questions.

When proposing the growth of slave tenancies and the fate of the villa economy, the similarity between the conditions of slaves on rural plots and free tenants on the land has led some to believe that the two categories finally became virtually indistinguishable. The most obvious parallel that we have already encountered lay in the fact that slaves were sometimes housed in "cottages" (*casae*) as *casarii* or *casati*, and classed by law as the immovable property of the estate for tax purposes (*servi censiti* – *CJ* XI.4.8.7(371)), while free tenants (*coloni*) came under increasing pressure, either from the landlords, who wanted their labour and rent, or from the state, who wanted their taxes, to restrict their freedom of movement. Even by the later fourth century, so it is argued, *coloni* became virtually enslaved or "slaves of the land" (*servi terrae*), as they are called in a much-quoted law of 393 (*CJ* XI.52.1). That is the broad line of the process, as it is usually described. The question is how far this levelling up and down went.

The first point to stress is that the very ambiguity which was noted earlier for *mancipium*, one of the standard terms for slave in the Later Roman Empire, is a sign that the word had broadened its use and meaning. It is not used much in the *Digest*, in contrast to the Theodosian Code.¹¹¹ Yet the word clearly meant more than just "slave".

When, for instance, we read in the legislation of the famous scheme of *hospitalitas*, devised to accommodate barbarians in southern France, that a proportion of the *mancipia* shall go with the land given to the new settlers (e.g. *Lex Burg.* 54), it is unthinkable that the law referred only to slaves, rather than to tied *coloni* as well.¹¹²

De facto, too, the gap between free, rural poor and slaves was narrow. In the Later Roman Empire *coloni*, who were legally free, could sell their children or wives off as slaves (*Aug. Ep.* 10*,24*). The children could return to free status after a fixed number of years as slaves. A man could sell himself into slavery in order to get himself employed as an *actor* (farm manager) (*D* 28.3.6.5 (Ulpian), cf. *Aug. Ep.* 24*.2.2). And a person could be a slave of the barbarians one day and a ransomed free man the next.

Despite all this, however, I am not convinced that the conditions of rural dependency in the Later Roman Empire had deteriorated all that much from earlier practice. Voluntary acceptance of slavery by free men, sale of free children into slavery and kidnapping were not sudden new developments of the Later Empire.¹¹³ The language of servility had long ago appeared on inscriptions about *coloni* of second-century Africa, when the tenants described themselves by slave-like terms such as *familia*, *vernae* (*vernulae*), *alumni* (*CIL* VIII.10570 etc.).¹¹⁴ Yet neither were these *coloni*, then or in the Later Empire, totally tied. The *coloni* of Augustine's Africa could openly threaten to leave their house when pressed, despite legal restrictions on their movements – quite unlike anything a slave could do.

The law, indeed, both civil and canon, never confused the two, either in Roman or early barbarian codes, even though for many purposes slaves and *coloni* were coupled together.¹¹⁵ The penalties for intermarriage between ordinary slaves and daughters of upper-class free citizens were far more severe than for that with *coloni* (*N.Maj.* 7.1.5(458)). While slaves and *coloni* were flogged for heresy, not fined like other free men, yet slaves and *adscripticii* (the lowest category of *coloni* in Justinian's day) were treated differently over ordination – only slaves were banned, if it was against the master's wish (*Just. Nov.* 123.17). A slave was even supposed to wear special dress in town to identify him (*CTh* XIV.10.2–3). A *colonus* had the right to dispose of his own property, simply informing his patron (*CTh* V.19.1(365)), although in the east this right was later taken away from *adscripticii* (*CJ* XI.50.2(396)). But perhaps most important of all, a *colonus* could go to court in his own right (*CTh* IX.27.6(386) etc.), while a slave had no legal *persona* and was regarded as a “dead man”, *iure sepultum* (Claudian. *In Eutrop.* I.212).

However much we may question the efficacy of these laws, one thing

above all others distinguished slaves politically from *coloni*, and that was the *colonus'* liability for military service (e.g. *CTh* VIII.1.3(333), VII.13.6(370)). This was probably the reason why slavery was often more attractive to both master and slave.¹¹⁶ The point at which the state ceased to be able or willing to exact the military obligation was the date from which slavery and the colonate became confused. That began to happen, as we know, when *coloni* on imperial estates were exempted from military service (*CTh* XI.16.5(343), cf. XII.1.33(342)). But, although rich landlords may have tried to evade the provision and to gain (sometimes successfully) exemption for their rural labourers (e.g. *CTh* VII.13.7), they had to pay for it and the law never relented in theory.

10. THE TRANSFORMATION OF SLAVES INTO SERFS

The need to decide about how far slaves and tenants had assimilated stems from the presumption that already in the Later Roman Empire there had developed a kind of general, rural "servitude" which was easily transformed into the serfdom that we always associate with the Middle Ages. Fustel de Coulanges, one of the fathers of French social history, although regarding serfdom as having "nothing in common with feudalism", was nevertheless certain that medieval serfs were men tied to the land and directly descended from the *coloni* of the Later Roman Empire.¹¹⁷

This authoritative view came to be regarded as absolutely uncontroversial in the nineteenth century – that is, that "servitude of the soil" replaced slavery and was the hallmark of serfdom – and it is repeated again and again by more recent authors. The introduction to the English translation of the *Theodosian Code*, for instance, states unequivocally that the "freezing" of labour on the farms (slave or free) "established in Western Europe the institution of rural serfdom"; while two books published within the last few years take it as axiomatic that serfdom was the consequence of the "rise of the colonate" and that slavery acquired its "pre-feudal structure" in the Later Roman Empire.¹¹⁸

So it is that terms like feudalism and serfdom have come to be used to mean any kind of social and economic relations of dependency which were not quite chattel slavery. One popular medieval social history describes serfs as

Those peasants who were not only dependants of other men, *in the sense that they were tenants of land which they did not own*, but those who were restricted in law in various ways as to freedom of

movement, freedom to buy and sell land and goods, freedom to dispose of their own labour, freedom to marry ... and freedom to leave property to heirs.¹¹⁹

Many not officially serfs, adds the author, became so *de facto*. Another recent book, this time by an ancient historian, adopts the United Nations definition of serfdom in 1956 as

The tenure of land whereby the tenant is by law, custom or agreement *bound to live and labour on land belonging to another person* and render some determinate service ... and is not free to change his status.¹²⁰

Neither of these authors seems to take account of the powerful arguments of Marc Bloch, that the concept of "serf de la glèbe" is one which never existed in medieval theory and that medieval serfdom had other fairly precise characteristics – *chévage* (a poll tax), *formariage* (permission to marry) and *mainmorte* (reversion of property to the seigneur, if there were no heirs) – which cannot be traced back easily to the colonate.¹²¹ Bloch's fundamental point, which contradicts the passages in italics above, was that "attachment to the soil" never features in the jurisprudential definitions of medieval serfs.

As a matter of fact, we possess a series of documents showing that the serfs of one man often lived on (and paid dues for) the land of another.¹²² They changed lords in time of stress and they could improve their status. Serfdom was distinguished from slavery, on the one hand, by the fact that the serf was not at the complete disposal of his lord (not, as they said, an "ox in the stall") and from the colonate, on the other, by the fact that the serf owed "hommage" in his person as an "homme de corps" and was not enslaved to the land.

Since Bloch, Verlinden's massive two volumes on slavery in medieval Europe has shown conclusively that slaves were not simply being replaced by serfs, despite the temptation to see a link in the use of the Latin word *servi* for both.¹²³ Slaves continued to exist and serfs were different from *coloni*. So where is the missing link?

No one, I think, would wish to deny that it was the erosion of central state authority that began the process of transforming the relationships between landowners and rural labourers in the Later Roman Empire.¹²⁴ Obviously a peasant who could no longer call upon the arm of the state and the law was forced to look to his landlord (if he were already a tenant) or to a local grandee for protection. For this he paid a price in conditions which none but his patron could guarantee.

It must also be correct that many medieval serfs on the land found it difficult to move in practice, since pressures can be more easily exerted

upon landholders than upon landless.¹²⁵ But that was also true of Pliny's indebted tenants and of the *coloni* on African estates in the second century A.D. In any society poor peasants find that there are all kinds of pressures, financial, sentimental and religious, to keep them where they are.¹²⁶ But if all forms of dependency that fall within the spectrum between slavery and freedom are to be called "serfdom", the word loses its value as an analytical tool. What is important is the differences between the *colonus* or the slave of the Later Roman Empire and the serf of twelfth-century medieval Europe. The specific characteristics which differentiate a medieval serf from the later Roman rural worker inform us about both.

To this end I will briefly make three points:

(1) *Coloni* and *casati* (chased or cottager) slaves go on as categories in Carolingian records of tenancies of the great church estates in the eighth century and beyond.¹²⁷ The interchangeability of free and servile "manses" shows that the methods of farming by slave and tenant were similar, as they had been from early Roman times. But the formal distinction between slave and free continued to matter and the two cannot be merged into a grey "serfdom". There is no evidence, as far as I know, that either group ever paid the "taille", the nominal head levy, which was the distinctive mark of homage by the serf to his lord.

(2) Bloch was wrong, I believe, to think that there was a drying up of slaves in the early Middle Ages, because of the limited number of *casati* on the polyptiques and capitularies of France and Germany in the eighth to ninth century. There is dispute about exactly how to interpret these land inventories, since usually fewer than 10 per cent of the *mansis* of the estates are designated for *servi*. Those of St. Germain-des-Prés, for instance, were 120 out of 2,800. Some would argue that the polyptiques are records only of the rent revenues, not of the labour force of the demesne farms, where *operarii* and slaves were also employed.¹²⁸ But they could be explained by the fact, stressed throughout this paper, that slaves never had been much employed as rural labour in the north-western provinces and so, not surprisingly, remained a minority.

(3) Accepting Bloch's basic point that serfs were quintessentially "hommes de corps", we should ask whether there was any precedent for the relationship in the Later Roman Empire. Bloch's own answer to this was in the institutional dependency that existed between freedmen (ex-slaves) and their former owners (*patroni*); the status of *libertus cum obsequio* was a personal obligation underwritten by law (cf. *CTh* IV 10.1-2), which did not necessarily involve land tenure.¹²⁹

In my view we need to go further, since this does not overcome the awkward fact that slavery was never a major institution in the regions of western Europe where serfdom was most prominent. This is why some have sought the answer, not much favoured now, in the invading Germanic hordes, where Tacitus records a kind of “slave” cottager among the early Germans who was bound to provide his master with grain or cattle or cloth, “like a *colonus*” (Tac. *Germ.* 25).¹³⁰ The solution is more likely to lie in the conditions of the Later Roman Empire, not in its invaders. Maybe all the explanation needed is to say that, with the breakdown of state law and order, individual landlords began to make demands of personal service from tenants, where previously they had required only rents. Even during the rule of strong emperors the history of the Roman Empire is scattered with accounts of landlords cheating their tenants, dictating the crops that were grown and how they should be disposed of.¹³¹

But the germ of a new relationship may also be present in the growing number of foreign settlers being absorbed into the category of *coloni*, since several references stress the personal service of some of these *laeti* and *tributarii* to their masters – apart from the land which they farmed. The Scyrae prisoners could be transferred at the wish of the personal master for up to five years, though not to urban duties. Gallic *laeti* were employed (originally at least) as urban *artifices* (*Pan.Lat* VIII(V)21.2). Most of the enclaves of *laeti* and tributary settlements were not tied to private lands at all but to the emperor’s service. Though sometimes settled on imperial estates, and classed as *coloni* (*CTh* X.12.2(368)), unlike imperial tenants they were not exempt from military service.¹³² On the contrary, their most important function – or at least an important function – was their regular provision of military units for the imperial army. Archaeology tends to confirm the isolation of many Germanic-looking communities from the surrounding population, but offers no help in our understanding of their precise relationship to the land.

In short, *coloni tributarii* were thought of as in some respects free men tied more to the service of their owner (or emperor) than to the land, and they paid tribute to acknowledge this. It is perhaps this that Salvian, whom I began by quoting, had in mind when he said that, once accepted onto the estates of the rich, they were transformed like the pigs of Circe and made into personal slaves.

The term “client” is often used in this period. It is an interesting reversion to the Latin word used by Julius Caesar to define a class of men (perhaps called *soldurii* in Gallic) whom he found in the entourage of nobles in pre-conquest Gaul alongside a quasi-servile group called *ambacti* (Caes. *BG* 6.15,3.22). There is no way of deciding whether

these categories had remained in the Celtic substratum beneath the surface of Roman Gaul, only to re-emerge once the central Roman state collapsed in the fifth century; or whether men of the Later Roman Empire themselves created the status groups, one of which bore the same name, *cliens*, as five hundred years before. It is clear, however, from the words of Sidonius, himself a Gallic noble describing a powerful French landowner of the fifth century in Allier (*Ep.* 4.9), that “clients” to him meant neither the rural tenants nor the domestic slaves but those who fed at the table beside the guests. In another much quoted letter (*Ep.* 5.8) Sidonius says that a man can be transformed into a *cliens* from a *tributarius*, thus acquiring a “plebian” *persona* – presumably a higher status – instead of that of a *colonus*.

I do not pretend to understand precisely how all these relationships fitted into the fragmenting society of the Later Roman Empire as bureaucratic control slowly disintegrated. The laws and a handful of scattered literary references cannot fill a gap of several hundred years when law and order was local and varied. “To give a well-ordered image of servile status”, said Bloch, “summed up from a few articles in a code, would mean that the historian had failed to communicate all the brutality and arbitrariness permitted in practice when one man had power over another.”¹³³ There were many factors which could have influenced the personal character of the ties. Land was only one of them. Troops once attached to the emperor might transfer to the service of local men of influence when the state failed them. Protection of the free against feeble state demands for taxes or from marauding bands was beneficial to rich and poor alike. In the end, the most we get is a few still shots of a film which has been lost.¹³⁴ We cannot actually rewrite the script of all the varied and tacit bargains that were struck locally between the powerful and the weak as they fought to survive.

C.R. WHITTAKER

NOTES

*I am immensely grateful to Domenico Vera and Peter Garnsey for generously spending time improving this article, even where they disagreed with me.

1. *isti omnes, qui intra fundos divitum recipiuntur, quasi Circaei porculi transfiguratione mutantur. nam quos suscipiunt ut extraneos et alienos, incipiunt habere quasi proprios: quos esse constat ingenuos, vertuntur in servos.* I cannot see why Hilton (1977), 58, thinks this provides evidence of the Frankish practice of “commendation” in late antique Gaul.
2. *Domesday, 1086–1086* (H.M. Stationery Office. 1986), 22.
3. Verlinden (1955–77), II.446; cf. 462, 497, 509.

4. Gaudemet (1967), 720.
5. Westermann (1955), 128, 139; the refs. to Bucher and Ciccotti are given by Westermann, 132. cf. Verlinden (1955–77), I.27, "It is a recognized fact that from the second century A.D. slavery in the Roman world underwent a serious decline", quoting the support of Ed. Meyer, *Die Sklaverei in Altertum* (1898), 47, along with many other authors.
6. The most detailed but rigid position is taken by Shtacerman (1964), esp. 48–74, where it is argued that dwindling numbers of slaves on the great provincial estates led to an intensification of the exploitation of those who were left.
7. Carandini (1979), 128–32; but chosen *exempli gratia*.
8. Bloch (1975), 1. Most of Bloch's articles on the subject have been collected by Beer, from whose translation I have quoted for convenience.
9. Verlinden (1955–77), I.47–9.
10. See note 5 for the quotation from Verlinden. Bury (1958), I.56 for the rehabilitation of free labour.
11. Finley (1980), ch.4; see esp. 129–30, attacking Jones (1956). Ironically Ruggini (1961), 563–5, came to precisely the opposite conclusions from the same evidence as Jones.
12. Finley (1980), 132–3, 139.
13. Finley (1980), 126–7, 144–5; (1985), 86–7.
14. Finley (1985), 179–80; (1982), 208–10. Cf. T. Bottomore (ed), *A dictionary of Marxist thought* (Oxford, 1983), s.v. "mode of production" – "not used in any single consistent sense by Marx".
15. A good summary is given by G. Pucci in Carandini (1985), I.15–20.
16. Carandini (1982) gives the clearest definition of what he calls "il sistema della villa", which he regards as a "sottotipo" of the slave society of the Greeks and Romans. See Finley (1982) for objections to the term.
17. Dyson (1983), 6–7. I am puzzled to see Buccino (nr. Salerno) included by Pucci (note 15) in the list of models of the "villa-system": as also is S. Giovanni di Ruoti (Basilicata), where there is no ref. to slave quarters of the Augustan villa in Small (1985). Monte Irsi, also cited by Pucci, seems to have had a range of cattle sheds, to which, as at Timmari, there may have been a herdsman's hut attached; Small (1977), 47–8.
18. Brunt (1971), 124 and Pucci (note 15) accept the possibility of three million. Hopkins (1978), 7–8 thinks the old figure of two million estimated by Beloch is preferable.
19. Potter (1979), 122.
20. Heitland (1921), 215–16, Finley (1985), 234: cf. Finley (1976), 105 – "the normal practice when a large unit was leased was to divide it into smaller lettings". It was common to employ slaves on separate plots even when they were not quasi-*coloni*; Veyne (1981), 19.
21. Genovese (1974), 7, 342, 378.
22. Bradley (1984), 25, 75; Carandini (1985), I.159 – although in my view C. underestimates the number of women (and children therefore) in the Republican phase of the villa in view of the ancient evidence: see note 68. Hopkins (1967), 170–71, thinks the labour was all male.
23. Brunt (1983), 113; Finley (1985), 187; Veyne, Ramin (1981), esp. 475.
24. Carandini (1985), I.178.
25. This point is made by Giardina (1982), 130–1; but I am hesitant to accept G.'s argument for radical change in Lucania from chained gangs to *coloni* only on the basis of Juvenal's casual ref. to *ergastula* (*Sat.* 8.180) and Procopius's ref. to *coloni* farmers (*B. Goth.* 3.13.1), without clearer archaeological evidence. S. Giovanni di Ruoti, for example, shows no sign of early slave quarters (cf. note 20 above). A recent survey of E. Lucania says that after a transformation in the first century A.D. (before Juvenal wrote), from small/medium farms to the more complex "villa-fattoria" (like that of Ciglio dei Vagni), the general rural situation did not change in successive centuries and in the LRE there was, if anything, an *abandon-*

- ment of the small *vici* around the villa, probably for security reasons. See M.L. Gualandi et al. in Giardina, Schiavone (1981), I.164–5. What were Lucanian villas producing to require a “villa-system”? In Umbria many larger farms were abandoned in the second to third centuries A.D. and replaced by more modest establishments in the LRE; D. Manconi et al., *ibid.* 384–5 – but there has been little detailed work done.
26. As in Campania, for instance, according to information kindly given to me by P. Arthur in advance of his published work.
 27. Finley (1976), 119–21; cf. note 52 below.
 28. *Grundrisse* (Pelican trans., London, 1973), 495.
 29. Van Deburg (1979), 5; S. Engerman, “The development of plantation systems and slave systems: a commentary” in Rubin, Tuden (1977), 63–7 at 65. P. Curtin, “Slavery and empire” in Rubin, Tuden (1977), 3–11 at 8–10.
 30. Carandini (1985), I.171–2.
 31. L. Capogrossi Colognesi, “Grandi proprietari, contadini e coloni nell’ Italia romana” in Giardina (1986), 325–65 at 359.
 32. Carandini (1985), I.185 – “slave agriculture [was] tied to wine”.
 33. Tchernia (1986). T.’s main thesis is that wine imported into Italy under the Empire did not kill off Italian wine, much less Italian agriculture as a whole, largely because of the growth of demand in Rome itself. Despite changes of production in Etruria and after the decline of Tuscan wine exports, the “villa-system” continued until at least the early third century A.D.
 34. C.R. Whittaker, “Agri deserti” in Finley (1976), 137–65.
 35. Most recently D. Vera, “Forme e funzioni della rendita fondiaria nella tarda antichità”, in Giardina (1986), 367–447; A. Giardina, “Le due Italie nella forma tarda dell’ impero” in Giardina (1986), 1–40 at 31–3, with earlier refs. The classical statement of the bipartite domain is in Fustel de Coulanges (1885), e.g. 183.
 36. De Neeve (1984), 143; Johnes et al. (1983), 29, 190–1.
 37. Capogrossi Colognesi (note 31), 345–6; Morabito (1981), 115; de Neeve (1984), 45–47, 120–3; Veyne (1981).
 38. Capogrossi Colognesi (note 31), 357, although C. thinks this could have contributed. Cf. Veyne (1981), 23 – “les esclaves-colons n’ont rien à voir avec une crise de l’ économie esclavagiste ni avec les origines du colonat”.
 39. De Neeve (1984), 45–7, 119–20, 165–7.
 40. De Neeve (1984), 119–20, and (1984a) attacks Kolendo (1980), ch.10, who believes that *coloni* labour was cheaper; cf. Finley (1976), 117–18.
 41. The distinction between slaves as quasi-tenants and slaves cultivating individual plots on the domain is made by Veyne (1981), esp. 19.
 42. Usefully collected by Vera (note 35) and Ruggini (1961), *passim*, although Vera (p.395) believes that villas run by slaves played only “a marginal role” in Italian agriculture.
 43. Frézouls (1980), esp. 206–10, stressing the fact of several different publics for whom Palladius was writing. Frézouls concludes that there was a “service” required for the central *praetorium*. Cf. Giardina (note 39), 31, with refs. to earlier works.
 44. Finley (1976), 119–21, discussing conditions of tenancy before Diocletian, “not a shred of evidence in any text”. De Neeve (1984), 20, agrees. Vera (note 39), 425, 432–3 notes the absence of *corvée* in post-Diocletian Italy, but the fact is insignificant for his argument.
 45. Toubert (1973), 459, 475.
 46. Assumed by Ruggini (1961), 535, to be slaves on a *villa rustica*, though Ambrose speaks only of the poor.
 47. Finley (1980), 123; contra Vera (note 35), 417. Veyne (1981), 25, considers both possible.
 48. Percival (1969), esp. 455.; contra Toubert (1973), 466; Goffart (1971), 385–7. Most recently and sceptically, Vera (note 35), 425–30.
 49. E.g. Ambrose, *Ep.* 2.30–1; J. Chrys. *Hom. in Matth.* 61.3 = PG. 58.592 – “from

- the labour and sweat of debtors they fill their wine presses and vats". For other examples, see Jones (1960), 793. J. gives no reason for concluding that "slaves were probably not used as mere labourers but assigned lots of land to cultivate at a rent", apart from the rarity of information to the contrary.
50. Postan (1978), 105–10; O. Patterson, "The structural origins of slavery: a critique of the Nieboer–Domas hypothesis from a comparative aspect" in Rubin, Tuden (1977), 12–34 at 16.
 51. Contra Ruggini (1961), 524; Whittaker (1980), 4.
 52. Whittaker (1980).
 53. Verlinden (1955–77), I.729, II.passim.
 54. As Dockès (1982), 67, alleges.
 55. Percival (1981), 135–6.
 56. S. Lancel, "L'affaire d'Antonin de Fussala: pays, chose et gens de la Numidie d'Hippone saisis dans la durée d'une procédure d'enquête épiscopale (*Ep.* 20*)" in Lepelley (1983), 267–85.
 57. Whittaker (1978), 341–4. Insofar as these ideas can be substantiated by archaeology, the recent survey work in the Kasserine region of Tunisia by R.B. Hitchner (forthcoming in *Africa*) seems to confirm the pattern of the "villa" (his term) as the central point for the various smaller farms round about it. The greatest expansion is between the second and fifth centuries A.D., adapting indigenous methods of irrigation and terrace agriculture. My thanks to RBH for allowing me to see his reports before publication.
 58. Daubigny (1983) and (1983a). The quotation comes from (1983a), 120. I find no reason to believe D. when he says that the farms of Picardy or of Languedoc were run by "une production esclavagiste", against which see Percival (note 55). I am grateful to G. Herring for allowing me to see his unpublished, interesting studies of the Vendée in western France, which stress the continuity of social and rural relations. I disagree with Carrié (1983), 208, attacking the theory of continuity, most notably espoused by Fustel de Coulanges (1885), without making any reference to archaeology or to pre-Roman institutions, as though it were a purely historiographic problem.
 59. The economy of northern France and Belgium is presented in this way by Wightman (1985), 243–56; but there are distinct difficulties in accepting such a view, not least because of the lack of excavation in northern France. The theory of a rise and fall of a prosperous yeoman class in northern France has been forcefully put by J. Drinkwater, "Peasants and Bagaudae in Roman Gaul", *Classical Views/Echos du Monde* 3 (1984), 349–71, who sees in this the heart of the Bagaudae movement. But I find the analysis by Van Dam (1985), 25–58, more persuasive. The latter sees the Bagaudae not as a single, monocausal, northern movement but as a series of scattered phenomena, typical of the period of weakened central government, which brought out what was always endemic in Gallic society, viz. the dependent peasant–farmer class controlled by the rich nobles, who sought separatism and independence. This not to say that the breakdown of the Later Empire did not *affect* medium rich and poor; but that is different from saying that their ruin *caused* the phenomena.
 60. Morabito (1981), 28–39, gives the refs. and uses the mistaken argument.
 61. The sources for the life of Melania are discussed by Finley (1980), 123 and in the accompanying note.
 62. Symmachus's letters are discussed by Roda (1981), *ad loc.* in the refs. to Book IX.
 63. Brunt (1983), 111–13, gives further figures.
 64. See note 11 above.
 65. Whittaker (1983), 119–20.
 66. Verlinden (1955–77), I.30, for the slave trading in the early medieval period.
 67. This is essentially the argument of de Ste Croix (1981), ch. VIII.
 68. Bradley (1984), 25, 45–60, 75–7. Even Cato sees the value of female slaves on the farm, which must mean there were children, too. Plut. *Cat. Mai.* 21.2, Cato RR 10.1; Varro RR 1.17.5.

69. Carandini (1985), I.178–80.
70. Brunt (1983), 113; Finley (1980), 128–30 (plus n.16 giving Mommsen the credit).
71. Genovese (1974), 5 – less than 400,000 imported Africans had become four million by 1860. Compare M.M. Fragnals, “Africa in Cuba” in Rubin, Tuden (1977), 197–201 at 191–3, for life on a Cuban plantation “virtually without women”.
72. Chadwick (1983) gives a good general presentation of the new letters. For more detailed discussions, see Lepelley (1983), Szidat (1985).
73. Verlinden (1955–77), I.52; Liebeschuetz (1972), 54, note 1.
74. M. Humbert, “Enfants à louer ou à vendre: Augustin et l’autorité parentale (*Ep.* 10* et 24*)” in Lepelley (1983), 189–204 at 192. Cf. Veyne, Ramin (1981), 482–4, for indenture and sale of children in earlier periods.
75. Lepelley (1981), 456.
76. J. Rougé, “Escroquerie et brigandage en Afrique romaine au temps de saint Augustin (*Ep.* 8* et 10*)” in Lepelley (1983), 177–88 at 187: cf. the scandal about Eutropius and Galatians selling domestic slaves in Claudian, in *Eutrop.* I.59–60. Bradley (1984), 53–5, for Egyptian sales.
77. P.-A. Février, “Discours d’Eglise et réalité historique dans les nouvelles lettres d’Augustin” in Lepelley (1983), 101–15 at 109; Shaw (1984), passim, MacMullen (1966), Appendix B.; contra Westermann (1955), 131; Rougé (note 76), 184.
78. See note 13 above.
79. Jones (1964), 793–4.
80. The essential texts are collected by Johnes et al. (1983), esp. 17–27. A recent radical view (with full earlier bibliography) has been presented by Carrié (1982), (1983), supporting the work of D. Eibach (q.v.). While I agree with Carrié that slaves and *coloni* were never assimilated and that there is no direct link between feudal and Roman social relations, I am wholly unconvinced by his central theme that the colonate as an institution was an historiographic invention. Carrié’s arguments were anticipated by Fustel de Coulanges (1885), esp. 15–20 and Finley (1980), 142–3, both of whom pointed out the long history of *de facto* erosion of a tenants’ legal rights, ending with the disappearance of the legal contract of *locatio-conductio*, for which was substituted a corpus of *ad hoc* imperial constitutions. See now Marcone (1985), who effectively destroys Carrié’s thesis. In what follows I have not entered into the controversy but I have gratefully accepted the ideas of P. Rosafo, as a result of his current studies of the colonate.
81. Lancel (note 74), esp. 275. The bureaucratic “dream” is Bloch’s phrase (1975), 187.
82. Westermann (1955), 715.
83. Morabito (1981), 38.
84. Verlinden (1955–77), II.33.
85. See Dockès (1982), 92 with refs., for slave legislation in the Visigothic Law as high as 50 per cent; Verlinden (1955–77), II.79, discusses early medieval Italian laws; and in I.1.ch.1 Visigothic Law, I.2.ch.1. Burgundian and Salic Law.
86. See Nehlsen (1972), esp. 363, showing practical changes in barbarian laws to adapt Roman law. Finley has repeatedly made the same point about the Justinian Code as a systematization of existing Roman law for contemporary needs; e.g. (1982), 204.
87. Fustel de Coulanges (1889), 50, believed *casarii* were “cottagers” but this has been disputed. Cf. Jones (1950), 795–6.
88. Dockès (1982), 12 quoting the example of Antilles. A fine survey of some of the great estates in the southern United States is given by Carandini (1985), 187–206.
89. Roda (1981), 184–5, 308–9.
90. The historiography of the subject is traced by Finley (1980), ch.1 – largely an attempt to justify the Church for its *failure* to condemn slavery; cf. Milani (1972), ch.6 and his conclusion, “In nessun modo si può scorgere in essi [i padroni cristiani] una volontà abolizionista” (p.338).
91. Westermann (1955), 130 for temple manumissions as a precedent for those in church; cf. Verlinden (1955–77), I.36–7.

92. See note 11 above. But facile pseudo-statistical calculations continue to be made; e.g. more recently Dochaert (1978), 76, with no awareness of the arguments.
93. Jones (1964), 852; Morabito (1981), 59, 115, denies any possibility of detecting price levels in the *Digest*.
94. Verlinden (1955-77), 1.784-802.
95. A. Smith, *Wealth of nations* (ed. E. Cannan, Chicago, 1976), 90.
96. S.L. Engerman, "Quantitative and economic analysis of West Indian societies: research problems" in Rubin, Tuden (1977), 597-609 at 600. In any case, see now Dreschler (1986) for the challenge to Eric Williams' mercantilist thesis of *Capitalism and slavery* (1944).
97. Genovese (1966), 59.
98. Senatorial profits usefully discussed by Vera (1983), although I cannot agree there is evidence of a new commercial attitude.
99. I agree with Carandini (1985), I.195-6, that the question of profitability and productivity is a non-problem, but not because of a two-sector economy - a theory I have argued is wrongly adapted from Kula; see Whittaker (*Opus* forthcoming). C. is right that the choice of slavery has a political and social dimension which cannot be separated from economics. But in linking slavery to specific market forces C. exposes himself to the same criticism that Dreschler levels against Eric Williams (see above, note 96) - that of playing down the disjuncture between slavery as a social system and the economic profits associated with it. The danger is always, as Eugene Genovese complained, that "historians so often retreat into banal economic explanations to suit their own convenience" (*In Red and Black*, Vintage, New York, 1972, 319).
100. Whittaker (1976); Brunt (1983), 127.
101. Engerman (note 96), 603.
102. Hopkins (1978), 4 etc. Pucci in Carandini (1985), 16.
103. A summary of the work of G. Forni on this subject is in *Aufstieg und Niedergang rom. Welts* II.1 (1974), 339-91.
104. Finley (1980), 139-40.
105. Whittaker (1983), 171.
106. Whittaker (note 99).
107. A list of such settlements is given by de Ste Croix (1981), Appendix III.
108. Pharr (1952), *ad loc.*; contra Jones (1960), 296, n.21 and (1974), 302, n.51. Fustel de Coulanges (1885), 43-4, argued that the barbarians settled by Marcus Aurelius in the second century (HA *Marc* 24.3) were forerunners of late Roman *coloni*; I agree (note 132) contra Carrié (1983), 239.
109. E.g. The inscription (*ILS* 986) from Nero's reign, recording 100,000 people from across the Danube brought to Roman soil "with their wives and children and their leaders and kings to pay tribute".
110. To the refs. in Whittaker (1983), add Wightman (1985), ch.11. Goffart (1972), 184-5, suggests that *coloni* obligations were to the imperial state, not to the *civitas*.
111. Morabito (1981), 129.
112. Goffart (1980), 132-54. For a similar ambiguity with the term "boy" (*pais*) in Libanius, see Liebeschuetz (1972), 46, n.3.
113. Veyne, Ramin (1981).
114. Whittaker (1980), 78; Johnes et al. (1983), 421-2. I find the legalistic view of Carrié (1983), 211 - accepting the earlier arguments of Kolendo - concerning the freedom and mobility of *coloni* in the earlier Empire, quite unrealistic in view of the regular oppression of poor tenants recorded on many inscriptions; see Whittaker (1978), (1980).
115. Well laid out by Fustel de Coulanges (1885), esp. 101-6; cf. Verlinden (1955-77), I.36-40. Carrié (1983), 206, rightly points out some of Fustel's inconsistencies.
116. Mazzarino (1951), 306; Giardina (1982), 129-31.
117. Fustel de Coulanges (1889), esp. 643.
118. Pharr (1952), xx; Dockès (1982), 11; Morabito (1981), 10.
119. Hilton (1977), 55-6, although H. concedes that this is a vague definition.

120. de Ste Croix (1981), 135.
121. Bloch (1975), 180–95 is a translation of the celebrated article, “Serf de la glèbe”, which first appeared in *Rev. Historique* in 1921; later an addendum was written in response to attacks, which appears at 195–201.
122. Bloch (1975), 44–5, 51, 73, 142, 146, 187, etc.
123. Verlinden (1955–77), esp. I.86, 635, etc.
124. Bloch (1975), 51, (1965), 216. It is not necessary to go as far as Fustel de Coulanges (1885) in describing these relations as somehow contractual; Carrié (1983), 235–6.
125. Hatcher (1981), 7.
126. Bloch naturally conceded this point (1975), 190 and in *Cambridge Economic History I*² (1966), 260 – “It is the lord’s business to keep his tenants legally or illegally”. But de Ste Croix (1981), 136, who quotes this, makes no reference to Bloch’s categorical insistence that “bondage to the soil was in no sense characteristic of the serf” and that serfdom was *not* “a more or less improved version of the ancient slavery or colonate of Rome”.
127. Duby (1973), 50–1; but see the comments of Tchernia in Whittaker (1982), 175–6.
128. Doehaerd (1978), 43, 112–13; contra Bloch (1975), 69.
129. Bloch (1975), 18, 21, 146. In Burgundian Law a freedman could not dispose of his own inheritance and had to help his master in time of need (*Lex Burg.* III).
130. Capogrossi Colongnesi (note 31), 346 compares this to a type of slave who cultivated land *fide dominica*, in Roman law something between a quasi-*colonus* and a villa slave.
131. See the examples quoted by Vera (note 35), 438–40.
132. Discussion and refs. in Whittaker (1982), 173. I believe the *inquilini* recorded in Dig. 30.1.112 pr. were the vanguard of such settlements; contra Veyne (1981), 17 and Carrié (1983), 212; cf. above (note 107).
133. Bloch (1975), 59.
134. Février (note 73), 114.

BIBLIOGRAPHY

- Bloch, M. (1965), *Feudal society* (trans. L.A. Manyon). Pbk. London.
- Bloch, M. (1975), *Slavery and serfdom in the middle ages* (trans. W.R. Beer). Collected papers. Berkeley and Los Angeles.
- Bradley, K.R. (1984), *Slaves and masters in the Roman Empire*. Collection Latomus 185. Bruxelles.
- Brunt, P.A. (1971), *Italian manpower. 225 B.C. – A.D. 14*. Oxford.
- Brunt, P.A. (1983), “Schiavitù e classi subalterne nella comunità romano-italico”, in E. Cherubini et al (edd), *Storia della società italiana*. vol.2.
- Bury, J.B. (1958), *History of the later Roman Empire*, 2 vols. repr. Dover Publications, New York.
- Carandini, A. (1979), *L’anatomia della scimmia*. Torino.
- Carandini, A. (1982), “Sottotipi de schiavitù nella società schiavistiche greca e romana”, *Opus 1*, 195–98.
- Carandini, A. (1985), *Settefinestre. Una villa schiavistica nell’Etruria romana*. 3 vols. Modena.
- Carrié, J.-M. (1982), “Le ‘colonat du Bas-Empire’: un mythe historiographique?” *Opus 1*, 351–71.
- Carrié, J.-M. (1983), “Un roman des origines: les généalogies du ‘colonat du Bas-Empire’”, *Opus 2*, 205–51.
- Chadwick, H. (1983), “New letters of St. Augustine”, *Journ. of Theol. Studies* 34, 425–52.
- Daubigny, A. (1983), “Relations marchandes méditerranéennes et procès des rapports de dépendance (magu- et ambactes) en Gaule protohistorique” in *Modes de contracts et processus de transformations dans les sociétés anciennes*. 659–83.

- Daubigny, A. (1983a), "Archéologie et rapports sociaux en Gaule", *Cahiers d'histoire* 13, 113–22.
- Dockès, P. (1982), *Medieval slavery and liberation* (trans. A. Goldhammer). London.
- Doehaert, R. (1978), *The early middle ages in the West: economy and society* (trans. W.G. Deakin). London.
- Drescher, S. (1986), "The decline thesis of British slavery since *Econocide*", *Slavery and Abolition* 7, 3–24.
- Duby, G. (1973), *Guerriers et paysans*. Paris.
- Dyson, S.L. (1983), *The Roman villas of Buccino*. Brit. Arch. Reports S.187.
- Finley, M.I. (ed) (1976), *Studies in Roman property*. Cambridge.
- Finley, M.I. (1980), *Ancient slavery and modern ideology*. London.
- Finley, M.I. (1982), "Problems of slave society: some reflections on the debate", *Opus* 1, 201–11.
- Finley, M.I. (1985), *The ancient economy*. 2nd edit. pbk. London.
- Frézouls, E. (1980), "La vie rurale au Bas-Empire d'après l'oeuvre de Palladius", *Ktema* 5, 193–210.
- Fustel de Coulanges, N.M. (1885), *Le colonat romain*. Paris. réédit. 1979. New York.
- Fustel de Coulanges, N.M. (1889), *L'alleu et le domaine rural pendant l'époque mérovingienne*. Paris.
- Galsterer, H. (1986), "Roman law in the provinces: some problems of transmission" in M.H. Crawford (ed), *L'impero romano e le strutture economiche e sociali delle provincie*. Biblioth. Athenaeum. 13–28.
- Gaudement, J. (1967), *Institutions de l'antiquité*. Paris.
- Genovese, E.D. (1966), *The political economy of slavery*. London.
- Genovese, E.D. (1974), *Roll, Jordan, Roll*. London.
- Giardina, A. (1982), "Lavoro e storia sociale: antagonismi e alleanze dall'elenismo al tardoantico", *Opus* 1, 115–35.
- Giardina, A. (ed) (1986), *Società romana e impero tardo antico*. vol.1. Roma.
- Giardina, A., Schiavone, A. (edd) (1981). *Società romana e produzione schiavistica*. 3 vols. Roma.
- Goffart, W. (1971), "From Roman taxation to mediaeval seigneurie: three notes", *Speculum* 47, 165–87 and 373–94.
- Goffart, W. (1980), *Barbarians and Romans*. Princeton.
- Hatcher, J. (1981), "English serfdom and villeinage: towards a reassessment", *Past and Present* 90, 3–39.
- Hopkins, K. (1967), "Slavery in classical antiquity" in A. de Reuck, J. Knight (edd), *Caste and race*. Boston. 166–91.
- Hopkins, K. (1978), *Conquerors and slaves*. Cambridge.
- Heitland, W.E. (1921), *Agricola*. Cambridge.
- Johné, K.-P. et al. (1983), *Die Kolonen in Italien und den westlichen Provinzen des römischen Reiches*. Berlin.
- Jones, A.H.M. (1960), *The later Roman Empire*. Oxford.
- Jones, A.H.M. (1984), *The Roman economy* (ed. P.A. Brunt). Oxford.
- Kolendo, J. (1980), *L'agricoltura nell'Italia romana* (trans. C. Zawadska, A. Carandini). Roma.
- Lepelley, C. (ed) (1981), *Les lettres de Saint Augustin découvertes par Johannes Divjak*. Paris.
- Lepelley, C. (1981a), "L'Afrique romaine au début du Ve siècle d'après les lettres nouvellement découvertes de Saint Augustin", *Comptes rend. Academie des Inscriptions*, 445–63.
- Liebeschuetz, W.G.H. (1972), *Antioch*. Oxford.
- MacMullen, R. (1966), *Enemies of the Roman order*. Newhaven and London.
- Marcone, A. (1985), "Il colonato del tardo-impero: un mito storiografico?" *Athenaeum* 73, 514–20.
- Mazzarino, S. (1951), *Aspetti sociale del quarto secolo*. Roma.
- Milani, P.A. (1972), *La schiavitù nel pensiero dai greci al basso medioevo*. Milano.
- Morabito, M. (1981), *Les réalités de l'esclavage d'après le Digeste*. (Ann. lit. Besançon

- 245, Centre rech. anc. 39). Paris.
- de Neeve, P.W. (1984), *Colonus*. Amsterdam.
- de Neeve, P.W. (1984a), "Colon et colon partiaire", *Mnemosyne*, 37, 125–35.
- Nehlsen, H. (1972), *Sklavenrecht zwischen Antike und Mittelalter. I. Ostgoten, Westgoten, Franken, Langobarden*. Göttingen.
- Percival, J. (1969), "Seigneurial aspects of late Roman estate management", *Eng. Hist. Review* 84, 449–73.
- Percival, J. (1981), *The Roman villa*. Repr. London.
- Pharr, C. (1952), *The Theodosian code and novels. A translation*. New York.
- Postan, M.M. (1978), *The medieval economy and society*. Pelican.
- Potter, T.W. (1979), *The changing landscape of South Etruria*. London.
- Roda, S. (1981), *Commentario storico al libro IX dell'epistolario di Quinto Aurelio Simmaco*. Pisa.
- Rubin, V.I., Tuden A. (1977), *Comparative perspectives on slavery in the new world plantation societies*. Ann. of N.Y. Acad. Sciences, 292.
- Ruggini, L. Cracco (1961), *Economia e società nell'Italia Annonaria*. Milano.
- Ste Croix, G.E.M. de (1981), *The class struggle in the ancient Greek world*. London.
- Shtaerman, E. (1964), *Die Krise der Sklavenhalterordnung im Westen des röm. Reiches* (trans. W. Seyfarth). Berlin.
- Shaw, B.D. (1984), "Bandits in the Roman Empire", *Past and present* 105, 3–52.
- Small, A.A. (1977), *Monte Irsi. Southern Italy*. Brit. Arch. Reports S.20.
- Small, A.A. (1985), "The early villa at S. Giovanni", in *Papers in Italian archaeology*. Brit. Arch. Reports S.246. iv. 167–77.
- Szidat, J. (1985), "Zum Sklavenhandel in der Spätantike (Aug. Epis 10*)", *Historia* 34, 360–71.
- Tchernia, A. (1986), *Le vin d'Italie*. Roma.
- Toubert, P. (1973), *Les structures du Latium médiéval*. vol.I. Rome.
- Van Dam, R. (1985), *Leadership and community in late antique Gaul*. Berkeley and Los Angeles.
- Van Deburg, L. (1979), *The slave driver*. London.
- Vera, D. (1981), *Commento storico alle Relationes di Quinto Aurelio Simmaco*. Pisa.
- Vera, D. (1983), "Strutture agrarie e strutture patrimoniale nella tarda antica: L'aristocrazia romana fra agricoltura e commercio", *Opus* 2, 489–533.
- Verlinden, C. (1955–77), *L'esclavage dans l'Europe médiévale*. 2 vols. Paris.
- Veyne, P. (1980), "Le dossier des esclaves-colons romains", *Rev. historique* 265, 3–25.
- Veyne, P. and Ramin J. (1981), "Droit romain et société: les hommes libres qui passent pour esclaves et l'esclavage volontaire", *Historia* 30, 472–97.
- Westermann, W.L. (1955), *The slave systems of Greek and Roman antiquity*. Philadelphia.
- Whittaker, C.R. (1978), "Land and labour in North Africa", *Klio* 60, 331–62.
- Whittaker, C.R. (1980), "Rural labour in three Roman provinces" in P. Garnsey (ed), *Non-slave labour in the Greco-Roman world*. Cambridge. 73–99.
- Whittaker, C.R. (1982), "Labour supply in the Later Roman Empire", *Opus* 1, 171–9.
- Wightman, E.M. (1985), *Gallia Belgica*. London.