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## *The Origins of the Manorial Economy: New Insights from Late Antiquity*

BETWEEN the fifth and the seventh centuries AD, the lands bordering the shores of the Mediterranean underwent profound social, political and cultural change, study of which has constituted one of the most fruitful areas of historical research of the past forty years.<sup>1</sup> This process of change is most readily discernible in terms of political history. Over the course of the period, a unifying trans-Mediterranean Roman hegemony broke down. In the eastern Mediterranean, from the seventh century onwards, a rump Roman state found itself engaged in a protracted struggle for survival, initially against the forces of Sasanian Persia, and subsequently against an expansionist Islamic foe.<sup>2</sup> In much of the west, the Roman Empire gradually faded away as a militarily and governmentally effective power structure during the fifth century, with a series of sub-Roman, 'barbarian' successor kingdoms emerging in its place.<sup>3</sup> The chronology and character of this process of transformation in its political aspect can be reconstructed with a fair degree of accuracy. In relation to the history of cultural forms, intellectual traditions and social organization, however, the pattern is rather more opaque. In particular, historians have struggled to ascertain what effects the demise of the Roman state in the west had on agrarian social relations and relations of production.

This situation has been the result largely of a lack of understanding of the nature of the late Roman agrarian economy. Historians have a general sense of what medieval rural society looked like in the west – or at least in the central Carolingian lands – by the eighth and ninth centuries, but they have not been able to compare or contrast this picture with what went before. Although there existed great regional diversity within the early medieval agrarian economy, the evidence of the late Merovingian and early Carolingian *polyptyques* would suggest a world in

1. See J. D. Howard-Johnston, 'Introduction' in J. D. Howard-Johnston and P. A. Hayward (ed.) *The Cult of Saints in Late Antiquity and the Middle Ages* (Oxford, 1999), pp. 1–24, p. 1. This article is based on a paper, versions of which were delivered to the Medieval History Seminar at the University of Oxford (1999) and subsequently to the Medieval Social and Economic History Seminar at the University of Cambridge (2001) and the Centre for Rural History at the University of Reading (2001). I am grateful to those who attended these seminars for their general enthusiasm, helpful comments, and near-uniform courtesy, as also to Mr. T. F. Stone of All Souls College, Oxford, who read the whole in draft. Within this article, the standard papyrological conventions are adhered to. In relation to legal texts, the following abbreviations are used: *Codex Theodosianus* = *Codex Theodosianus*, ed. Th. Mommsen (2 Vols., Berlin, 1905); *Nov. Val.* = *Novellae Divi Valentiniiani*, *ibid.* Vol. I, part I, pp. 73–154; *Codex Iustinianus* = *Codex Iustinianus*, ed. P. Krüger (Berlin, 1877); *J. Nov.* = *Iustiniani Novellae*, ed. R. Schöll and W. Kroll (Berlin, 1895).

2. See M. Whitton, *The Making of Orthodox Byzantium* (London, 1996).

3. See R. McKitterick, 'Politics', in R. McKitterick (ed.) *The Early Middle Ages* (Oxford, 2001), pp. 21–56.

which royal government, the Church and most secular lords derived the mainstay of their daily revenues and resources from variants of what Verhulst has described as the classic bipartite manor.<sup>4</sup> In what Verhulst presents as its 'most mature form', the bipartite manorial system one encounters between the Loire and the Rhine, between the Rhine, the Elbe and the Alps, and in northern and central Italy, consisted of

an equilibrium between, and a close link in terms of exploitation with, the two parts that together constituted the unit of ownership referred to as the *villa*: one part, that is the demesne. . . was cultivated directly for the lord of the domain mainly by the farmers among whom the other part of the estate was divided, the so-called tenements or holdings. The tenants could cultivate the latter for themselves in exchange for services, deliveries of goods and payments to the lord and his demesne.<sup>5</sup>

But how new were such bipartite arrangements? What did they owe to what had gone before? We simply do not know, although in recent years, most scholars have tended to concur that they constituted a novel system, largely created by Frankish royal government in the eighth and ninth centuries.<sup>6</sup> As a result, the hypothesis proposed by Fustel de Coulanges in the late nineteenth century, that the early medieval bipartite manor was essentially a survival of pre-existing Roman estate structures, has been widely rejected.<sup>7</sup> Thus the author of one recent study of the early medieval economy has asserted that

Rather than some kind of fossilized late Roman legacy, these large and complex agrarian establishments are now seen as a distinctly Carolingian phenomenon . . . Though they may have preserved and developed elements inherited from the Roman economic and social order, bipartite estates prove now to have emerged from social, political, and agrarian conditions specific to several regions of the early Middle Ages.<sup>8</sup>

The relative lack of understanding of the agrarian economy of the late Roman west is, of course, a result of the paucity of extant source materials for the period, and, in particular, a marked absence of documentary evidence. Until the appearance of the late Merovingian

4. C. Wickham, 'Rural Society in Carolingian Europe' and A. Verhulst, 'Economic Organisation', in R. McKitterick (ed.) *The New Cambridge Medieval History – Volume II: c.700–900* (Cambridge, 1995), pp. 510–37 and pp. 481–509.

5. A. Verhulst, *ibid.* pp. 488–9.

6. A. Verhulst (ed.), *Le grand domaine aux époques mérovingienne et carolingienne* (Gent, 1985) – see his comments in the 'Introduction' – pp. 11–20.

7. W. Goffart, *Rome's Fall and After* (London, 1989), p. 193, notes 117–18, and N. D. Fustel de Coulanges, *Recherches sur quelques problèmes d'histoire* (Paris, 1885), reprinted as *Le colonat romain* (New York, 1979), pp. 183–4.

8. M. McCormick, *Origins of the European Economy – Communications and Commerce AD300–900* (Cambridge, 2001), p. 7. See also M. Innes, *State and Society in the Early Middle Ages* (Cambridge, 2000), pp. 77–82, which includes a useful bibliography for Carolingian estates.

and early Carolingian *polyptyques* of the eighth and ninth centuries, the historian of the late Roman and post-Roman west is largely reliant on the occasional, perhaps idealized, reference to rural life found in the literary sources, the far from straightforward testimony of the barbarian law codes and the somewhat piecemeal archaeological record.<sup>9</sup> For much of the eastern Mediterranean world for the same period, the situation with regard to documentary sources is not in fact that much better. The social historian is yet again obliged to piece together what he can from the literary evidence, from epigraphy, and from archaeological evidence of often somewhat dubious excavational quality. These sources failing, one is forced to attempt to view early Byzantine society through the disjointed and frequently misleading prism of the hagiographic sources.<sup>10</sup>

The only region of the late Roman world, east or west, for which sufficient documentary evidence exists to engage realistically in study of the agrarian economy and of agrarian social relations is Egypt, from which there survive valuable collections of documentary papyri. In recent years, these papyri have revealed interesting and significant features of the late antique economy. On the basis of the Egyptian documentary sources, a relatively clear picture of late Roman agrarian social relations for the region has emerged. Yet, to date, little effort has been made to examine to what extent the Egyptian sources can be seen to resonate with the testimony of the more fragmentary evidence for the Eastern Empire at large, or what light they might shed on contemporaneous developments in the west.

The reasons for this are readily identifiable: to many, the very notion that the Egyptian papyri might tell one anything of agrarian conditions elsewhere in the late Roman Eastern Empire, let alone of conditions in the west, has seemed deeply improbable. Such certainly was the position of Bloch, as enunciated in his classic essay on 'The Rise of Dependent Cultivation':

No doubt Egyptian and African evidence can throw precious light on the origins of the Western *seigneurie*. But only if we ask of them what they can legitimately supply. That is, information, not about the actual thing that we are studying, but about analogous things. In short, we must treat them as documents of comparative history.<sup>11</sup>

9. See B. Ward-Perkins, 'Land, Labour and Settlement', in Averil Cameron, B. Ward-Perkins, and M. Whitby (eds), *The Cambridge Ancient History Volume XIV – Late Antiquity: Empire and Successors AD 425–600* (Cambridge, 2000), pp. 315–45, pp. 315–20, and J. Percival 'The Fifth-Century Villa: New Life or Death Postponed?', in J. Drinkwater and H. Elton (ed.), *Fifth-Century Gaul: A Crisis of Identity?* (Cambridge, 1992), pp. 156–64 and pp. 156–7.

10. On hagiography, see P. Rousseau 'Ascetics as mediators and as teachers', in J. D. Howard-Johnston and P. A. Hayward, *The Cult of Saints in Late Antiquity and the Middle Ages* (Oxford, 1999) pp. 45–59.

11. M. Bloch 'The Rise of Dependent Cultivation', in M. M. Postan (ed.) *The Cambridge Economic History of Europe, Volume I: Agrarian Life in the Middle Ages* (Cambridge, 1966), pp. 235–90, p. 237.

Bloch's objections to the use of evidence from Roman Egypt for the pre-history of the early medieval economy were well founded; they can be taken too far, however. Of course, within the late Roman Empire, agrarian conditions would have varied enormously from region to region and from place to place. The varying availability of land and labour, the differing intensity of urbanization, the variety of soil and crop types, disparities in terms of the requirements of irrigation, not to mention the proximity of a hostile foe, would all have carried with them major implications for the rural economy.<sup>12</sup> Nevertheless, in response to Bloch, it can be argued that the historian has little choice but to follow the grain of such sources as are available. The proper historical method must be to attempt to build up a picture of agrarian social relations and relations of production for that region of the Roman world for which the best evidence exists, and then to see to what extent this evidence is reconcilable with the testimony of the more piecemeal sources extant from other regions of the late Roman world. If, given the geographical diversity and the disparate inherited customs and traditions evoked by Bloch and others, the historian nevertheless finds some sort of match, this may be highly suggestive. Such being the case, it is important that historians of the transition from antiquity to the Middle Ages take the new picture emerging from the Egyptian papyri into account.

Papyri have survived in considerable numbers from most parts of late Roman Egypt, with the unfortunate exception of Alexandria and the Nile Delta, where the climate is least conducive to papyrological survival.<sup>13</sup> In terms of elite landholdings, the most extensive and concentrated collection of sources relates to the properties of the Apion family in the vicinity of the Middle Egyptian city of Oxyrhynchus.<sup>14</sup> These papyri, dating from the fifth century through to the early seventh, permit one to reconstruct both the history of the family and the economic character of its estates.

The earliest member of the Apion family of whose identification we can be confident is a certain Flavius Strategius, who is first attested in the currently available papyri in March 439, and who is later recorded as a town councillor (*curialis*) of Oxyrhynchus, a member of the imperial inner circle in Constantinople, bearing the title of *comes sacri consistorii*, and curator of the Oxyrhynchite estates of Eudocia, wife of the Emperor Theodosius II. It is possible that this Flavius Strategius of the mid-fifth century is to be identified with the Strategius recorded in the correspondence of Isidore of Pelusium, to whom Isidore wrote a letter of

12. For diversity within the west, see C. E. Stevens, 'Agriculture and Rural Life in the Later Roman Empire', *ibid.*, pp. 92–125.

13. See J. Keenan 'Egypt', in Averil Cameron, B. Ward-Perkins, and M. Whitby (ed.) *The Cambridge Ancient History Volume XIV – Late Antiquity: Empire and Successors AD 425–600* (Cambridge, 2000), pp. 612–37.

14. See P. A. V. Sarris, 'Economy and Society in the Age of Justinian' (Oxford D.Phil. thesis, 1999), pp. 17–104.

congratulation upon his accession to the office of *dux* of the Egyptian province of Augustamnica. Similarly, it is tempting to identify this early Flavius Strategius as either the grandson or great-great grandson of the Flavius Strategius recorded in 349 as *vir perfectissimus et praeses Thebaidos*.<sup>15</sup> Certainly, the Apion family would appear to have adhered to the tradition of papyponymy which was relatively common at the time.<sup>16</sup> Thus, in 497 we find Flavius Strategius' grandson, also called Flavius Strategius, holding the rank of *comes domesticorum*.<sup>17</sup>

By the early sixth century, members of the family were actively engaged in imperial politics in Constantinople. Flavius Apion, son of the *comes domesticorum* of 497, held the titular rank of Praetorian Prefect c.503/4, when he played a vital part in the Roman Empire's crushing counter-attack against the forces of Sasanian Persia at Amida, overseeing the provision of grain to one of the largest armies ever amassed for a single campaign in the Eastern Empire's history.<sup>18</sup> In 510, however, Apion fell from favour at court, was denounced as a 'pederast and heretic', and exiled to Nicaea. It was only upon the accession of Justin I as Emperor in 518 that Apion was rehabilitated and his family's advancement in imperial service able to resume. One of Apion's sons, Strategius, served as Augustal Prefect of Alexandria and *comes sacrarum largitionum* – chief financial minister of the empire.<sup>19</sup> In the late sixth century, members of the family effected prestigious marriage alliances. One head of the family married a niece of the Emperor Justin II, whilst another went on to marry a certain Eusebia, daughter of a Sicilian landowner by the name of Rusticana who was both a correspondent of Pope Gregory the Great and a granddaughter of Boethius. By the early seventh century, the head of the Apion family could claim consanguinity not only with three emperors (Justin I, Justinian and Justin II), but also with the distinguished western aristocratic lines of the Anicii and Symmachi. It is only with the Persian invasion of Egypt from 616–20 that we lose sight of the family, although a member of a cadet branch would appear to have been alive as late as 625, perhaps indicating some degree of cooperation on his part with the Persian forces of occupation.<sup>20</sup>

Of the various types of documentation found amongst the Apion papyri relating to the family's estates, the most informative is that represented by the so-called general estate accounts, or, as the documents most often describe themselves, 'accounts of receipts and of items of expenditure'.<sup>21</sup> Certain of these survive papyrologically in a

15. *Ibid.*, p. 12.

16. T. Gagos and P. van Minnen, *Settling a Dispute – Toward a Legal Anthropology of Late Antique Egypt* (Michigan, 1994), p. 19.

17. P. A. V. Sarris, 'Economy and Society in the Age of Justinian' (Oxford D.Phil. thesis, 1999), p. 12.

18. *Ibid.*, p. 10.

19. *Ibid.*, pp. 10–13.

20. *Ibid.*, pp. 10–15.

21. See *P. Oxy XIX 2243(a)*, verso, lines 87–8 'λόγ(ος) λημμ(άτων) καὶ ἀναλωμ(άτων)'.

relatively undamaged form, whilst a much larger number survive which represent either fragments of such accounts, or more focused documents relating to matters such as the collection or expenditure of a single product, such as wine.<sup>22</sup> It is from the first body, the relatively undamaged sets of general accounts, that a concrete sense of the overall structure of the Apion estates may be derived. Between them, the documents concern life on different parts of the Apion family's landholdings in the vicinity of Oxyrhynchus for a period covering some thirty-five years, from *c.* 557 to 590.<sup>23</sup>

For documents drafted over the course of so long a chronological span, the Apion general statements of account conform to a strikingly uniform pattern. Each represents a set of annual accounts for primarily rural properties drafted by individuals bearing the title of *pronoetes* or 'overseer'. In three out of four cases, the accounts are structured around settlements described as *epoikia*. Each set of accounts typically covers six or seven such localities. The first half of each set of accounts lists the quantities of produce and payments recorded in coin collected from individuals and groups from each settlement. At the end of the income entry for each settlement, one tends to find these sums added together, and the sum total of receipts from the group of settlements as a whole is then calculated.<sup>24</sup> The accounts then proceed to list expenditure, typically beginning with payments of an essentially charitable nature, to churches and suchlike associated with the *epoikia*, followed by payments to estate employees and artisans.<sup>25</sup>

Next, in addition to further wage payments, one encounters details of what might be conceived of as capital expenditure: costs associated with the purchase of animals, the maintenance and repair of boats, the acquisition of jars for the vintage, etc.<sup>26</sup> Finally, the total sum of expenditure is reckoned and subtracted from the aggregate sum of income, producing a figure of net revenue for the group of settlements minus their hypothecated costs.<sup>27</sup> One is then typically informed of the number of instalments in which this net revenue was paid to the Apion household's central bureau in Oxyrhynchus over the course of the year.<sup>28</sup>

By far the most extensive set of general estate accounts is that found on *P. Oxy.* 3804, which, in terms of receipts, concerns seven *epoikia*.<sup>29</sup> In relation to the *epoikia*, the account details the sums contributed by individuals and groups from each of the settlements, with the individuals often described in terms of their parentage, and, almost

22. See *P. Oxy.* XVI 1911 (complete account): *P. Oxy.* XXVII 2480 (wine account).

23. *P. Oxy.* XVI 1911, LV 3804, XIX 2243(a), XVIII 2195.

24. See *P. Oxy.* LV 3804, lines 141–2 for total sum.

25. *Ibid.*, lines 145–8, line 151, and 158.

26. *Ibid.*, lines 225–40.

27. *Ibid.*, lines 270–5.

28. See P. A. V. Sarris, 'Economy and Society in the Age of Justinian' (Oxford D.Phil. thesis, 1999), pp. 20–3.

29. *P. Oxy.* LV 3804 lines 1–140.

invariably, place of origin.<sup>30</sup> In most cases, the individuals are described as ‘apo tou autou ktematos’ – ‘from the same landholding’ – indicating that each *epoikia* was associated with a particular *ktema* or division of land.<sup>31</sup> A certain amount of specialization would appear to be evident between the *epoikia*, with the estate engaging in a wide range of agricultural and semi-industrial activities including cereal and viticultural production, animal husbandry and the milling of oleaginous vegetables.

This diversified picture of production on the Apion family’s Oxyrhynchite estates is confirmed by the expenditure section of *P. Oxy.* 3804. The primary significance of the expenditure account, however, is that one finds mention therein of land described as *autourgia* or ‘self-working’ land. Many of the costs associated with the valorization of the *autourgia* are recorded to have been deducted from the revenues derived from the *epoikia*. Thus, for example, the expenditure section of *P. Oxy.* 3804 records payment to fieldguards from an *epoikia* in return for their having guarded hay belonging to the ‘landowner’s *autourgia*’; aracus beans were purchased for the sowing of the same; two oxen, two bulls, two heifers and one she-goat were bought ‘for the landowner’s *autourgia* called Outside the Gate’.<sup>32</sup>

Inherent to the structure of the Apion estates as recorded in *P. Oxy.* 3804 was thus a bipartite division between the *ktema* of each *epoikia*, on the one hand, and, on the other, ‘auturgical’ land, some at least of the costs associated with which were hypothecated to the estate settlements. The *autourgia* would appear to have represented land held and exploited ‘in hand’. This picture is confirmed by the other general estate accounts.<sup>33</sup> As documents drafted by individuals apparently responsible primarily for the collection of revenue from the *epoikia*, the general accounts tell one nothing of the actual returns from the auturgical land, which would appear to have been recorded on a separate set of documents drafted by a different body of estate officials. However, the impression from the sources is that production upon the in-hand was extensive, and highly significant in terms of the internal economy of the Apion household. This impression is based on two facts emergent from *P. Oxy.* 3804. First, the net cash revenue derived from the *epoikia* once the hypothecated costs were deducted was extremely modest: just over 480 *solidi* for the entire year.<sup>34</sup> Second, the revenue in kind from the *epoikia* described in *P. Oxy.* 3804 is recorded as having matched expenditure exactly. This would suggest that the *autourgia*, and not the *ktema*, represented the main source of surplus production on the Apion estates,

30. *Ibid.*, column II, lines 15–39.

31. *Ibid.*, lines 15–39.

32. *Ibid.*, lines 241–2, 251–2 and 267–9.

33. See the discussion of these documents in P. A. V. Sarris, ‘Economy and Society in the Age of Justinian’ (Oxford D.Phil. thesis, 1999), pp. 17–53.

34. *P. Oxy.* LV 3804 lines 276–80.



and thus the main source of the family's private income, the surplus furnished by the *autourgia* probably having been sold at market.<sup>35</sup>

The general estate accounts also provide vital insights as to the character of labour on the Apion estates. As already noted, the *epoikion* entries within the general accounts tend to take two forms: payments made by named individuals or other named groups, and payments of a communal character, typically 'from the collective' or *koinon* of those labourers resident in a given settlement.<sup>36</sup> In relation to those payments made by named individuals or named groups, one is rarely informed of what it is for which payment was being made, although that these payments were primarily rental in character seems inherently likely.<sup>37</sup> On the rare occasion when such payments are explained, they tend to be for the rent of a capital item such as an oil-press, or in relation to a piece of land.<sup>38</sup> In most instances when the collective or *koinon* is mentioned, one is informed of the purpose of the contribution, be it the payment of tax (collected via the landlord), the rent of a dovecote, rent on land, etc.<sup>39</sup> One would thus appear to be presented with a list recording individual payments for which named individuals were liable, and collective payments for collective charges such as the fiscal imposts incumbent on the community, and the rents due on presumably commonly enjoyed amenities and land. The different categories of entry would appear to have been meant to distinguish between types of impost rather than types of resident. The *koinon* would appear to have comprised the entirety of the individuals and groups listed separately in the same *epoikion* entry.<sup>40</sup>

The inhabitants of each *epoikion* were thus organized into a 'collective' or *koinon* responsible for payments of both a fiscal and private character. In addition to the payment of the taxes for which they were liable, and rents in cash and crop, the inhabitants of the *epoikia* would also appear to have been liable to labour services with respect to the *autourgia*. Thus the expenditure section of *P.Oxy* 3804 records auturgical land to have been cultivated by inhabitants of the *epoikion* of

35. *Ibid.*, line 273. See P. A. V. Sarris, 'Economy and Society in the Age of Justinian' (Oxford D.Phil. thesis, 1999), pp. 235–7. For the highly commercial character of production on Egyptian large estates, see J. Banaji, *Agrarian Change in Late Antiquity – Gold, Labour, and Aristocratic Dominance* (Oxford, 2002).

36. *P.Oxy.* LV 3804 line 34.

37. The fact that the revenues collected from the *epoikia* were used to meet the private needs of the household itself would suggest that the payments were primarily private (that is rental) in character rather than public (that is, fiscal). When payments are fiscal in character, they are described as such. See *P.Oxy* LV 3804 line 30. For further discussion of the private character of the Apion estates, see P. A. V. Sarris, 'Economy and Society in the Age of Justinian' (Oxford D.Phil. thesis, 1999), pp. 181–209 and J. Banaji, *Agrarian Change in Late Antiquity – Gold, Labour, and Aristocratic Dominance* (Oxford, 2002), pp. 89–100.

38. *P.Oxy* LV 3804 lines 77 and 134.

39. *Ibid.*, lines 30, 31, 34, 133, 125.

40. P. A. V. Sarris, 'Economy and Society in the Age of Justinian' (Oxford D.Phil. thesis, 1999), pp. 35–6.

Luciu.<sup>41</sup> A similar picture is suggested by the testimony of *P. Oxy* 2243(a) and *P. Oxy* 1913.<sup>42</sup> *P. Wash. Univ.* II 102, a document dated palaeographically to the fifth or sixth century, records the number of workers required from a list of *epoikia* 'for the sowing of the landowner's *autourgia*'.<sup>43</sup> The inhabitants of the *epoikia* would not, however, appear to have been the only group to have worked on the in-hand. It is primarily with regard to auturgical land that one finds mention of families of workers styled *paidaria*, who would appear to have been of servile status, and who may have engaged in direct agricultural production.<sup>44</sup>

On the basis of the estate accounts, therefore, the Apion properties in the vicinity of Oxyrhynchus emerge as having constituted bipartite estates, the in-hand of which was worked both by a servile workforce apparently resident on the *autourgia*, and by workers, typically described as *georgoi* or 'land labourers', resident in estate settlements termed *epoikia* who, in addition to the labour they provided on the *autourgia*, also paid rents in coin and kind with respect to the amenities and lands associated with each settlement.

This picture is confirmed by the contractual papyri found within the Apion collection, and in particular, the extant 'contracts of surety'. These represent agreements made with the Apion household whereby an individual provided surety that a third party would fulfil his obligations with respect to the landowner and his property. A number of these documents concern sureties provided with respect to agricultural workers resident in estate *epoikia* and, as such, record the terms on which a significant proportion of the Apion workforce was employed. The most informative of these is *P. Oxy* 2478, in which a certain Zacharias, '*oikonomos* of the Church of the Holy Resurrection', provided surety that a certain Aurelius Pambechius, inhabitant of an Apion-owned *epoikion*, would 'abide and remain... on the landowner's orchard and look after and cultivate everything'; and that he would both pay the dues to which he was liable and meet 'the services to the landowner customarily provided by him'.<sup>45</sup> These 'landowner's services' look very like the labour services with respect to the *autourgia* discernible in the estate accounts.

The Oxyrhynchite Apion papyri constitute the single most extensive collection of sources relating to late antique great estates for any part of

41. *P. Oxy* LV 3804 lines 196–8.

42. See P. A. V. Sarris, 'Economy and Society in the Age of Justinian' (Oxford D.Phil. thesis, 1999), pp. 38–44.

43. *P. Wash. Univ.* II, 102, lines 1–3.

44. P. A. V. Sarris, 'Economy and Society in the Age of Justinian' (Oxford D.Phil. thesis, 1999), pp. 40–2 and *P. Oxy* LVIII 3960 line 60 – an account dealing with wine production in which the *paidaria* would appear to have been directly involved. That these *paidaria* were of servile condition is suggested by the fact that within the account they are contrasted with 'free' workers.

45. *P. Oxy* XXVII 2478 lines 16–21: 'τῆς διδομένης παρ' αὐτοῦ ἐξ ἔθους γεουχικὰς ὑπερησίας'.

the post-Diocletianic Roman world. The rather more fragmentary papyrological collections concerned with the agrarian possessions of other Egyptian landowning families would suggest that the bipartite structuring of estates was not, however, unique to the Apions. Thus, for the vicinity of Oxyrhynchus, we possess the contract of employment of a late sixth-century estate administrator by the name of Ieremias. This overseer (*epikeimenos*) was employed to oversee production on the 'new plantations' and the 'great lands of the landowner', which may have been auturgical properties.<sup>46</sup> Most significantly, the contract draws a distinction between landholdings described as the *topoi* of the estate (*tes ousias*) and the *ktema tes ousias*.<sup>47</sup> As seen above, the word *ktema* was used in the Apion papyri to signify land associated with the estate settlements or *epoikia*. By analogy, the *topoi* of the estate with which the *ktema* is contrasted in Ieremias' contract, are likely to have been auturgical landholdings. A parallel distinction between *topoi* and *ktemata* is found in the Apion contract *P. Oxy* 3641, where, once again, it would appear to differentiate between land held and exploited in hand and the *ktemata* of the estate settlements.<sup>48</sup>

Beyond the region of Oxyrhynchus, highly suggestive evidence in relation to the *autourgia* emerges from the Arsinoite account *P. Iand. inv.* 653. This document consists of a set of accounts of receipt and expenditure in hay associated with livestock deployed on an estate property in the vicinity of a village by the name of To Skelos. Much of the hay required to feed the estate livestock was obtained from meadowland associated with the property itself, but a considerable portion was both purchased and requisitioned from, or at least delivered by, agricultural labourers resident in other settlements belonging to the estate.<sup>49</sup> As in relation to the Apion properties, one would appear to be dealing with an estate held and exploited in hand, certain of the costs associated with which were met by agricultural workers, styled *georgoi*, resident on other estate-owned properties. The estate in the vicinity of To Skelos would appear to have been substantial, the land under plough having been estimated at approximately 100 acres.<sup>50</sup>

In terms of labour, an association between a directly managed in-hand and bodies of estate employees termed *paidaria* is recorded for the vicinity of the Egyptian city of Hermopolis in *P. Bad. IV* 95, which, as with the Apion papyri, records entire families of such workers to have been employed by the estate.<sup>51</sup> The residence of agricultural workers in

46. *P. Oxy* XIX 2239 lines 12–13 'τὰ μεγάλα γεουχικά'.

47. *Ibid.*, lines 13–14. See the note to line 14 for the reading τόπω.

48. See P. A. V. Sarris, 'Economy and Society in the Age of Justinian' (Oxford D.Phil. thesis, 1999), pp. 62–3.

49. T. Reekmans, *A Sixth-Century Account of Hay* (Brussels, 1962), pp. 14–16 and p. 10.

50. *Ibid.*, pp. 14–16. See also the discussion in P. A. V. Sarris, 'Economy and Society in the Age of Justinian' (Oxford D.Phil. thesis, 1999), pp. 115–16.

51. M. Schnebel, 'An Agricultural Ledger in P. Bad 95', *The Journal of Egyptian Archaeology* xiv (1928), 34–45, at 42–3.

estate-owned *epoikia* is recorded for the Oxyrhynchite in *P. Oxy* 2724, 3512, 3955, 4398, and *P. Wash. Univ.* I 25, as also in a number of Arsinoite, Heracleopolite, and Hermopolite documents.<sup>52</sup> The deployment of the labour of the inhabitants of the *epoikia* on the estate in-hand would appear to be attested in the overseer's work contract *P. Oxy* 2239.<sup>53</sup> In addition to *P. Iand. Inv.* 653 encountered above, the hypothecation of the resources of the *epoikia* to the needs of the in-hand is also evident from *P. Ant.* III 190, as also *P. Bad IV* 95, in which instance revenues derived from the settlements, on this occasion styled *choria*, were spent both on labour costs and wages associated with the in-hand and other requirements of the central household.<sup>54</sup> On the basis of the surviving papyrological record, it would seem reasonable to postulate that the key structural characteristics of the Apion estates were replicated in the fifth and sixth centuries both on non-Apion properties in the vicinity of Oxyrhynchus and on other large estates in Middle Egypt more generally.

Large estates of the Apion type were not, one should note, a historical constant within the Egyptian agrarian economy. Whilst Rathbone has revealed the existence of a number of third-century large estates structured after a manner closely analogous to that of the Apion properties some three hundred years later, the landowning elite of Egypt in the third century would appear to have been far more reliant than their sixth-century counterparts on the straightforward leasing out of land: that is to say, members of the landowning elite were primarily *rentiers*.<sup>55</sup> By the time one reaches the fifth century, however, such evidence as exists would suggest that directly managed large estates were becoming increasingly common, indicating a fundamental restructuring of agrarian conditions. This is evident from the toponymic record, with the word for village proper (*kome*) coming increasingly from the fourth

52. *P. Oxy* XXXIV 2724, XLIX 3512, LVIII 3955, LXIII 4398, *P. Wash. Univ.* I 25, and note also *P. Amb.* II 149. For documents mentioning estate *epoikia* in other regions, see for example, *B. G. U.* II 364, *C. P. R.* X 65 and 127, *P. Vindob. Sijp.* 7 and *P. Bad IV* 95, in which instance the settlements are styled *choria*. For the equivalence between *choria* and *epoikia*, see J. Banaji, *Agrarian Change In Late Antiquity – Gold, Labour, and Aristocratic Dominance* (Oxford, 2002), p. 175. For discussion of Oxyrhynchite *epoikia*, see idem, 'Agrarian History and the Labour Organisation of Byzantine Large Estates', in A. K. Bowman and E. Rogan (ed.), *Agriculture in Egypt from Pharaonic to Modern Times* (Oxford, 1999), pp. 193–216, pp. 208–212.

53. *P. Oxy* XIX 2239 lines 13–16. Jeremias, who makes no mention of collecting rent or taxes from the workers concerned, agrees to '[πα]ρασκευάσαι τοὺς πάντας γεωργούς . . . ἐν ἐκάστῳ τόπῳ καὶ ἐν ἐκάστῳ κτήματι [τῆ]ς αὐτῆς οὐσίας [σ]πεῖραι τὰς γεουχικὰς μηχανὰς καὶ φυτεύσαι ἀκανθέας καὶ ἐτοιμῶς ἔχει[ν] πάσαν σπουδὴν συνεισενεργεῖν εἰς βελτίονα ὄψιν τὰ ὑμετέρα γεουχικὰ ἀγροικικὰ πράγματα'.

54. *P. Ant.* III 190, line 35; *P. Bad.* IV 95, lines 75–6. Note the discussion in P. A. V. Sarris, 'Economy and Society in the Age of Justinian' (Oxford D.Phil. thesis, 1999), p. 123.

55. See D. Rathbone, *Economic Rationalism and Rural Society in Third-Century AD Egypt* (Cambridge, 1991), pp. 182–3; J. Rowlandson, *Landlords and Tenants in Roman Egypt: The Social Relations of Agriculture in the Oxyrhynchite Nome* (Oxford, 1996), p. 284 (leasing out of land) and J. Banaji, 'Rural Communities in the Late Empire: Economic and Monetary Aspects' (Oxford D.Phil. thesis, 1992), pp. 134–63.

century onwards to be replaced with the terms most commonly associated with the settlements of the great estates: *epoikion* and *chorion*.<sup>56</sup> Likewise, in the papyrological record, the types of documentation most commonly associated with directly managed large estates, such as estate accounts, become proportionally more significant as one enters the fifth century, whilst leases can be seen to decline in incidence.<sup>57</sup>

This process would appear to have gone hand-in-hand with an increasingly marked concentration of landed wealth within Egyptian society. Families such as that of the Apiones in the sixth century were trans-regional landowners, owning property not only in the vicinity of their home town, but also elsewhere in Egypt and beyond. Thus in addition to Oxyrhynchus, the Apion family owned property near other Middle Egyptian cities such as Cynopolis and Heracleopolis, as well as urban property in Constantinople and Alexandria, and possibly even agricultural estates in other regions, such as Sicily.<sup>58</sup> By contrast, members of the civic elite of Egypt in the third and early fourth centuries had tended to limit their possessions to the *territorium* of their native city.<sup>59</sup> This process of concentration had a long antecedence. The social and economic influence of larger landowners had been bolstered at the beginning of the third century through the introduction throughout Egypt of municipal-style government on the traditional Greco-Roman model.<sup>60</sup> The enrolment of the dominant local landowners into the new *curiae* had provided them with the opportunity to entrench and extend their economic interests through deploying their imperial connections and affinities against their neighbours and social inferiors.<sup>61</sup> Diocletian's reorganization of Egypt at the beginning of the fourth century had further strengthened the administrative hold of the civic elite over the countryside.<sup>62</sup>

Certainly, by the mid-fourth century, the fiscal landlists preserved for Hermopolis reveal the existence of a dominant stratum within local civic landowning society, the members of which far outstripped in terms of

56. P. Pruneti, I Centri Abitati dell'Ossirinchiite – Repertorio Toponomastico (*Papyrologica Florentina* IX, 1981), pp. 10–11. For *chorion* as an equivalent to *epoikion*, see P.Bad. IV 95 and J. Banaji, *Agrarian Change in Late Antiquity – Gold, Labour, and Aristocratic Dominance* (Oxford, 2002), p. 175.

57. J. Rowlandson, *Landowners and Tenants in Roman Egypt: The Social Relations of Agriculture in the Oxyrhynchite Nome* (Oxford, 1996), p. 281 and p. 284.

58. J. Gascou, 'Notes critiques sur quelques papyrus du Ve et VIe s', *Chronique d'Égypte*, xlvii (1972) pp. 243–253. For other families, see J. Banaji, 'Rural Communities in the Late Empire – Economic and Monetary Aspects' (Oxford D.Phil. thesis, 1992), pp. 167–8.

59. *Ibid.*, pp. 134–63.

60. A. K. Bowman and D. Rathbone, 'Cities and Administration in Roman Egypt', *Journal of Roman Studies*, lxxii (1992), 107–27; R. Bagnall, *Egypt in Late Antiquity* (Princeton, 1993), p. 55.

61. D. Rathbone, *Economic Rationalism and Rural Society in Third-Century AD Egypt* (Cambridge, 1991), pp. 18–20 and p. 70.

62. A.K. Bowman, *Egypt After the Pharaohs* (Oxford, 1990), p. 81.

landed wealth their fellow *curiales*.<sup>63</sup> As Bagnall has written: 'In Hermopolis . . . 38.8 percent of the total land (owned by city-dwellers) was owned by six members of a single family'.<sup>64</sup> A similar concentration of landed wealth has been inferred by Rowlandson for fourth-century Oxyrhynchus.<sup>65</sup> The emergence of this dominant cohort of landowners amongst the ranks of the fourth-century *curiales* is mirrored in the contemporaneous appearance in the papyri of individuals of influence and prestige styled *propoliteuomenoi*.<sup>66</sup> By the mid-fourth century, therefore, it would appear that provincial society in Egypt was coming to be dominated by a highly select group of landowners. This trajectory was fuelled partly by the on-going 'privatization' and standardization of the ancient Ptolemaic land categories, a process in effect complete by the end of the fourth century, but also by the ever tighter administrative grip of city over countryside.<sup>67</sup>

That having been said, whilst one should pay close attention to the social and political authority of the *propoliteuomenoi* of the mid-fourth century, one should not overstate the extent of this class's direct economic preponderance of provincial society. The figures for mid-fourth-century Hermopolis would suggest that a majority of the land around the city was not owned by *curiales* of any sort whatsoever, but rather by autonomous peasants.<sup>68</sup> By contrast, in 572 the Apion household alone contributed some 37 per cent of all the imperial taxes levied upon the lands within the *territoria* of the cities of Oxyrhynchus and Cynopolis, conveying a clear sense of the extent of the family's dominance of local landed society by the end of the sixth century.<sup>69</sup> Between the fourth and the sixth centuries, the concentration of landed wealth would appear to have quickened, with the more widespread distribution of directly managed large estates testifying to this. The closest one gets to an eye witness account of this process is to be found in an open letter written in Coptic in the fifth century by Abbot Shenoud to an Egyptian landowner from the city of Panopolis. The abbot berates the landowner in the most vivid of terms for the exploitation of his agricultural workforce, declaring to him:

63. A. K. Bowman, 'Landholding in the Hermopolite Nome in the Fourth Century', *Journal of Roman Studies*, lxxv (1985), 137–63; R. Bagnall, 'Landholding in Late Roman Egypt: The Distribution of Wealth', *Journal of Roman Studies*, lxxxii (1992), 128–49.

64. R. Bagnall, *Egypt in Late Antiquity* (Princeton, 1993), p. 69.

65. J. Rowlandson, *Landowners and Tenants in Roman Egypt: The Social Relations of Agriculture in the Oxyrhynchite Nome* (Oxford, 1996), pp. 278–9 and pp. 283–4.

66. A. K. Bowman, *The Town Councils of Roman Egypt* (Toronto, 1971), pp. 155–8.

67. J. Rowlandson, *Landowners and Tenants in Roman Egypt: The Social Relations of Agriculture in the Oxyrhynchite Nome* (Oxford, 1996), pp. 282–3.

68. R. Bagnall, 'Landholding in Late Roman Egypt: The Distribution of Wealth', *Journal of Roman Studies*, lxxxii (1992), 128–49, p. 142.

69. P. A. V. Sarris, 'Economy and Society in the Age of Justinian' (Oxford D.Phil. thesis, 1999), pp. 95–6.

Your godlessness is matched by the way in which you afflict the poor with your oppressions . . . You carry off their beasts with their carts and their hay and take them to your plantation and make them drive round and round beyond their powers . . . Your people give them calves and cows to rear, distributing them among the holdings till they are full grown, and then take them. . . to say nothing of the bread and wine and fodder and hay and barley for your beasts and all the rest.<sup>70</sup>

As Keenan has noted, the prosopographical testimony of the papyri would suggest that not only was the scale and structure of elite landholdings undergoing a transformation during the fourth and fifth centuries, but so too was the social character of the elite itself. Soon after Constantine's defeat of Licinius in 324, one begins to find mention in the papyrological sources of individuals holding imperial civil and military office bearing the name *Flavius* – the principal *gentilicium*, or family name, of the Emperor Constantine himself. This title was apparently adopted by them upon their entry into imperial service.<sup>71</sup> As the fourth century progressed, these *Flavii* can increasingly be seen to have come to dominate the higher echelons of imperial and civic government.<sup>72</sup> Concomitantly, they appear to have emerged to the fore of local landed society.<sup>73</sup> To Banaji, this phenomenon can be seen to have represented part of a process whereby a 'bureaucratic elite was consolidating its social dominance'.<sup>74</sup> It is a history that one can see neatly encapsulated in the rise of the Apion family. As noted above, from a fifth-century background in imperial service, associated with the management of imperial estates in the vicinity of their native *polis* of Oxyrhynchus, members of the family can be traced through to the sixth century and thereafter, holding some of the highest offices the empire had to offer, whilst the family's own properties expanded and developed in the neighbourhood of Oxyrhynchus and beyond.<sup>75</sup> The Apion family was the embodiment of the emergent trans-regional landowning aristocracy of service of late Roman Egypt.

It is important to appreciate that the emergence of this new aristocracy of service would not appear to have been limited to Egypt. Rather, the fourth century witnessed a series of transformations in the character of the provincial and senatorial elite of the Eastern Empire at large. This transformation was the result of two distinct processes which

70. J. Barns, 'Shenoute as a historical source', *Actes du Xe Congrès International de Papyrologues* (Wrocław, 1964), pp. 151–9, pp. 157–9.

71. J. Keenan, 'The Names Flavius and Aurelius as Status Designations in Later Roman Egypt' (Part I), *Zeitschrift für Papyrologie und Epigraphik*, xi (1973), 33–63, 37–40.

72. *Ibid.*, 47.

73. *Ibid.*, Part II, *ZPE*, xiii (1974), 283–304, 285.

74. J. Banaji, 'Rural Communities in the Late Empire: Economic and Monetary Aspects' (Oxford D.Phil. thesis, 1992), p. 134.

75. For the expansion of the Apion estates, see P. A. V. Sarris, 'Economy and Society in the Age of Justinian' (Oxford D.Phil. thesis, 1999), pp. 92–104.

coalesced in the late fourth century, processes which, whilst undoubtedly favouring certain 'new men', especially those engaged in military careers, benefited above all members of the already emergent upper echelons of provincial curial society, the so-called *principales* of the imperial law codes, who as early as 328 one finds described in the sources as constituting a sort of privileged inner circle within the city councils of the empire, and who would appear to have been equivalent to the *propolituomenoi* of the Egyptian papyri.<sup>76</sup>

The first, and by far the most important, of these processes was the dramatic expansion in the late empire in the number of well remunerated, centrally appointed military and bureaucratic posts occasioned by the so-called 'Diocletianic' reforms of the late third and early fourth centuries. The most important aspect of this expansion in the imperial bureaucracy was that it opened up new opportunities for social advancement to those members of the provincial *curiae* wealthy enough to afford the education required for entry into imperial service. The 'special relationship' with the imperial authorities that the holders of these new posts enjoyed bolstered their already considerable resources of patronage, authority and prestige, thereby permitting them to begin to extend and consolidate their hold on local society.<sup>77</sup>

The second development of significance to social relations in the east was the foundation and growth of the senate of Constantinople. The creation and expansion of the eastern senatorial order by Constantine and his fourth-century heirs was part of what has been described as an attempted 'broader mobilisation of political manpower' on the part of a new dynasty, aimed at '(generating) from scratch sufficient support to create a working governmental machine in the eastern Mediterranean'.<sup>78</sup> Once again, the mainstay of those elevated to the senatorial order in the east would appear to have been drawn from 'the old wealth of the Mediterranean world: the richer elements of the curial class'.<sup>79</sup> Membership of the eastern senate was increasingly opened up to a wide range of imperial civil and military officials: that is to say, to members of the newly expanded imperial bureaucracy.<sup>80</sup> Although many of the families that comprised this new senatorial elite necessarily focused their ambitions on Constantinople, most were obliged by the imperial authorities to maintain a certain level of involvement in the civic councils of their native *poleis*, and thus came to form a real and effective bond between provincial society and the imperial centre.<sup>81</sup>

76. See G. E. M. de Ste Croix, *The Class Struggle in the Ancient Greek World* (London, 1983), pp. 471–2.

77. P. Heather, 'New Men for New Constantines? Creating an Imperial Elite in the Eastern Mediterranean', in P. Magdalino (ed.), *New Constantines* (Aldershot, 1994), pp. 11–44, p. 20.

78. *Ibid.*, p. 12 and p. 16.

79. *Ibid.*, p. 17.

80. *Ibid.*, p. 12.

81. *Ibid.*, p. 26.



The fourth century thus saw the emergence in the eastern Mediterranean of a new imperial aristocracy of service, the leading members of which were enrolled into the senatorial order. Members of this new class are recorded in the sources not only as figures of extraordinary influence and power at court, but also in the localities of the empire.<sup>82</sup> In particular, from the mid-fourth century onwards, the legal sources bear witness to the process whereby, not only in Egypt, but throughout the Eastern Empire, the wealthier and more powerful members of this new elite forced aside their social competitors and won mastery of local landed society, restructuring agrarian social relations after the manner recorded in the Egyptian papyri. This is at its most evident from the imperial constitutions on agrarian patronage (*de patrociniis vicorum*) recorded in the Theodosian and Justinianic Codes.

Patronage – the deployment of the influence of the more powerful members of society to the benefit or disadvantage of their social inferiors – was, of course, a basic fact of life in the Roman world. In many ways it was regarded as a positive social good, providing a structure and cohesion to social relations that bound together otherwise divergent and potentially conflicting classes.<sup>83</sup> From the mid-fourth century onwards, however, one finds evidence of growing imperial concern at the fiscal implications for the Roman state of the burgeoning powers of patronage enjoyed by members of the new imperial aristocracy of service.

Members of this new elite, by virtue of their dual social identity as both representatives of central imperial government, and figures of authority and prestige in local landed and civic society in their own right, played a pivotal role in the administration of the empire. Nowhere was this clearer than in relation to the collection of the imperial taxes on which the state was dependent for its very existence. The holders of senatorial rank were entrusted with a range of obligations and duties with respect to the smooth running of the fiscal system. As Heather has noted:

Amongst other things, (they) were responsible for auditing their local curias and, probably most important of all, for tax equalizations, when tax assessments were adjusted to take account of population and other changes. The *de facto* power generated by the ability to influence one's neighbours' tax assessment can hardly be overstated; as St Basil of Caesarea put it, control of the tax census gave a man the opportunity to benefit his friends, harm his enemies, and generally make a lot of money.<sup>84</sup>

For the hard-pressed rural communities and peasant families of the empire on whose shoulders the bulk of the land tax – the main source of

82. *Ibid.*, pp. 27–8.

83. See P. R. L. Brown, *Power and Persuasion in Late Antiquity* (Madison, 1988), p. 79.

84. P. Heather, 'New Men for New Constantines? Creating an Imperial Elite in the Eastern Mediterranean', in P. Magdalino (ed.), *New Constantines* (Aldershot, 1994), pp. 11–44, p. 28.

imperial fiscal income – rested, the social implications of such arrangements were clear. In order to lessen or escape the fiscal burdens to which they were liable, they needed to acquire for themselves the patronage of a leading local magnate, a member of the imperial aristocracy, who alone possessed the authority and power required to lighten their load. From the perspective of the aristocrats themselves, this situation offered the chance to expand their own reserves of land and labour, either by drawing onto their estates such clients as they attracted, or by incorporating into their existing properties the smallholdings of a patronage-hungry peasantry. It was an opportunity which members of the new imperial aristocracy of service would appear to have seized with considerable alacrity.

The imperial legislation on agrarian patronage records that, as a result, agreements began to emerge between individual peasants or rural communities and powerful local patrons holding imperial office, whereby the patron would either agree to intercede on behalf of his client with the imperial authorities to negotiate a lower rate of taxation, or would take it upon himself to directly alleviate his client's fiscal burden. From such initial arrangements, the practice developed by which the patron and client conspired to pretend that the local potentate, rather than the lesser landowner, was the legal *possessor* of the land on which the imperial taxes were levied. In the short term, this provided the client with the means of escaping the land tax; whilst in the medium term, it allowed the patron a chance to extend his own estates, by turning a fictional transfer of property into an actual one.<sup>85</sup>

The second recorded form of agrarian patronage consisted of the flight of individual peasants and their families onto the estate of a local patron, and the peasants' subsequent abandonment of the taxes and liturgical duties to which they had hitherto been liable. Both these practices were deemed by the imperial government to potentially undermine the fiscal system. The first form of patronage had the effect of transferring land into the hands of a powerful local figure better placed by virtue of his connections, influence and authority, to evade taxation than was a lesser landowner. Moreover, even if the patron paid the taxes due on his newly acquired lands, if he held senatorial rank, he is likely to have done so at a lower rate than did his more humble neighbours.<sup>86</sup> Either way, the net result would have been a diminution of imperial fiscal income. The second form of patronage, associated with the abandonment of land, necessitated the reallocation of fiscal and liturgical obligations amongst those members of the fugitive's village who had not fled. This increased the fiscal burden on those left behind,

85. By far the best discussion of this remains F. de Zulueta, 'Patronage in the Later Roman Empire', in P. Vinogradoff (ed.), *Oxford Studies in Social and Legal History* Volume I (Oxford, 1909) part II, pp. 3–78.

86. See P. Heather, 'New Men for New Constantines? Creating an Imperial Elite in the Eastern Mediterranean', in P. Magdalino (ed.), *New Constantines* (Aldershot, 1994), pp. 11–44, p. 27.

and intensified the pressure on the remaining inhabitants of the village either to take flight themselves, or for the community as a whole to simply hand itself over to a local potentate.

Much of the evidence on agrarian patronage contained within the *Codex Theodosianus* refers explicitly to conditions within Egypt. To suppose on the basis of this, however, that such *patrocinium* was limited to Egypt, or even that it was a peculiarly highly developed phenomenon there as against elsewhere in the empire, would be to fundamentally misconceive the nature of the codification. First, as de Zulueta noted, Egypt played a particularly important role in the fiscal framework of the Roman state, furnishing the corn supply on which the imperial capital of Constantinople as well as a number of other eastern cities were dependent. As a result, 'its disorders were of the first importance'.<sup>87</sup> Second, with very few exceptions, laws contained within the *Codex Theodosianus*, irrespective of the imperial officials to whom they were initially issued, were, by virtue of their inclusion in the Code, meant to be of general application, and thus were presumably included with a view to conditions across the empire as a whole.<sup>88</sup> Third, the presence within the *Codex* of laws addressed to individual provincial governors, or concerning individual provinces, must be understood in the context of the method of compilation adopted by those charged with drafting the work. Whilst for laws issued after 398, the compilers were content to limit themselves to legal texts preserved archivally in Constantinople, for laws issued before that date they would appear to have been much more dependant on the archives of provincial governors, either because the laws they sought were not preserved in the imperial capital, or because they wished to check the text of the laws recorded there for authenticity.<sup>89</sup> The Egyptian and Alexandrian archives would appear to have provided a particularly fruitful source in this respect.

The first recorded constitution on agrarian patronage contained in the *Codex Theodosianus* was issued by Constantius II in 360 and refers to conditions within Egypt. The law makes it clear that the main culprits exercising such illicit *patrocinium* were imperial officials – members of the 'aristocracy of service'. The patronal nexus, Constantius declared, was to be ended, and the *colonorum multitudo* were to meet their obligations.<sup>90</sup> In either 368 or 370, Valentinian and Valens repeated the proscription for the empire at large.<sup>91</sup> A second constitution concerning Egypt was issued in 386.<sup>92</sup> The flight of agricultural labourers to those other than their legitimate employers was twice legislated on in 386, and

87. F. de Zulueta, 'Patronage in the Later Roman Empire', in P. Vinogradoff (ed.), *Oxford Studies in Social and Legal History* Volume I (Oxford, 1909) part II, pp. 3–78, p. 6.

88. A. M. Honoré, *Law in the Crisis of Empire 379–455 AD* (Oxford, 1998), pp. 128–9.

89. *Ibid.*, pp. 138–9.

90. *Codex Theodosianus* XI, 24, 1, p. 613.

91. *Codex Theodosianus* XI, 24, 2, p. 613.

92. *Codex Theodosianus* I, 14, 1, pp. 50–1.

again in the years 393–5.<sup>93</sup> In 395, the *comes Aegypti* was again asked to crack down on men of high standing who had taken control of entire villages.<sup>94</sup> The following year a non-Egyptian measure was promulgated prohibiting senators from taking over the lands of *curiales*.<sup>95</sup> Further trans-imperial legislation was issued in the late 390s, redoubling the punishments for those ‘qui clientelam susceperint rusticorum’ or ‘qui fraudandorum tributorum causa ad patrocina solita fraude confugerint’. The former are identified as including high ranking civil servants and military officers.<sup>96</sup> Agrarian patronage exercised by members of the imperial aristocracy of service emerges as a cause of constant concern to the imperial authorities across the empire throughout the mid-to-late fourth century. In spite of repeated legislation, the patronal nexus could not be fully broken.

Accordingly, in the early fifth century the imperial authorities declared that they were ready to reach a limited accommodation with those who had probably gained the most from illicit *patrocina* – the great landowners. Such transfers of land and labour as had been effected by the year 397 were to be accepted as legitimate, so long as the new *possessor* did not evade the liturgical duties and fiscal responsibilities incumbent upon both property and person. The further growth of estates through patronage remained illegal, however, and in order to give effect to this prohibition, the constitution went on to seek to bolster the autonomy and cohesion of the larger villages or *metrocomiae* of the empire.<sup>97</sup> This attempt to halt the further expansion of estates through *patrocina* was, however, unsuccessful. In 430, for example, Antiochus Chuzon, as Praetorian Prefect, was obliged to issue a swingeing series of cutbacks in tax rebates ‘evidently aimed’, in the words of Jones, ‘at wealthy tax evaders’.<sup>98</sup> The legislation on *patrocinium* of the fifth and sixth centuries preserved in its emended form in the *Codex Iustinianus* alerts one to the extent to which the ongoing advance of agrarian patronage remained an imperial preoccupation. Constitutions on the subject were promulgated by the Emperors Marcian and Leo in the fifth century, as well as by Justinian in the early sixth.<sup>99</sup> A general measure against agrarian patronage was issued in 535, and the eastern authorities can still be seen to have been legislating on the subject during the reign of Tiberius II in the late sixth century.<sup>100</sup>

93. *Codex Theodosianus* V, 17, 2 (a.386), p. 238; *Codex Iustinianus* XI, 51, 1 (386?) p. 443, XI, 52, 1 (393–5) p. 443.

94. *Codex Theodosianus* XI, 24, 3, pp. 613–14.

95. *Codex Theodosianus* VI, 3, 3, pp. 248–9.

96. *Codex Theodosianus* XI, 24, 4, p. 614.

97. *Codex Theodosianus* XI, 24, 6, pp. 614–15.

98. A. H. M. Jones, *The Later Roman Empire* (3 vols, Oxford, 1964) I, p. 206.

99. *Codex Iustinianus* XI, 54, 1, p. 444 – constitution of Leo of 468 which refers to earlier legislation by Marcian not included in the Code, XI, 54, 2, p. 444 – probably Justinianic.

100. *J.Nov XVII*, 13, p. 125. For Tiberius II, see M. Kaplan, ‘Nouvelle de Tibère II sur les «maisons divines»’, *Travaux et Mémoires*, viii (1981), 237–45.

The papyrological and legal sources for the Eastern Empire thus concur in recording an apparently substantial restructuring of agrarian social relations during the fourth and fifth centuries, as members of a new imperial aristocracy of service expanded their own landholdings. The main imperial concern was with the fiscal implications of this process of estate expansion, and it is upon the fiscal dimension that the imperial laws thus focus. The very appearance of these laws, however, alerts one to the general trend. This restructuring of agrarian social conditions would appear to have been resultant from a number of factors, first and foremost amongst which was the emergence of the new imperial aristocracy of service itself. The influence and power exercised by members of this class would appear to have been sufficient to have occasioned a significant reconfiguration of rural society. Second, as recent archaeological work has demonstrated, the period from the fourth century to the early sixth witnessed considerable demographic expansion in the eastern Mediterranean.<sup>101</sup> The implications of this expansion would have been two-fold. From the perspective of the peasantry, especially in those regions where good quality land may have been relatively scarce, higher population levels may have resulted in the repeated subdivision of landholdings between a growing number of surviving heirs. Many peasants may have found themselves in possession of plots of land incapable of furnishing them with much by way of return, whilst pasture for livestock would have become increasingly scarce as ever more land was turned over to arable. Demographic expansion may thus have provided a further incentive, beyond the workings of the fiscal system, to place oneself *sub patrocinio*.

From the perspective of the patron, the increased size of urban markets resultant from demographic growth would have provided a far greater incentive to engage in large-scale production on estates. This would have rendered the acquisition of new land highly desirable, and the creation of an expanded pool of resident labour essential. Members of the landowning elite prevented demographic expansion from splitting up and subdividing their own estates by taking advantage of the legal instrument of the *fideicommissum* to seek to create a form of familial inalienability over land, similar in intent to the perpetual entail employed by aristocratic families in early modern Europe.<sup>102</sup>

In Egypt, the process of estate expansion can be seen to have gone hand-in-hand with the more widespread introduction of a bipartite structuring of estates. But to what extent was this true of great estates beyond Egypt? The dearth of documentary evidence does not assist one in answering this question. However, certain indications do exist. For example, the toponymic evidence of the Egyptian papyri is mirrored in

101. See, for example, C. Foss, 'The Near Eastern Countryside in Late Antiquity: A Review' *Journal of Roman Archaeology Supplementary Series*, xiv (1995), 213–34.

102. See D. Johnston, *The Roman Law of Trusts* (Oxford, 1988), pp. 250–4.

the epigraphic evidence for Palestine. It has been noted above in relation to Egypt that, from the fourth century onwards, the words typically associated with the settlements of the bipartite estates – *epoikion* and *chorion* – increase in frequency in the sources, whilst the word typically used for an autonomous village – *komé* – decreases. Likewise, in the contemporaneous inscriptions from Palestine, one finds that settlements previously termed *komai* come increasingly to be redesignated *epoikia* or *ktemata*, as seen, the word used in the papyri to designate allotments of land conjoined to the estate settlements.<sup>103</sup> Hirschfeld has associated this phenomenon with the archaeological evidence from Palestine for the emergence of what he describes as ‘industrial complex’ estates.<sup>104</sup>

In the absence of documentary sources, however, the most suggestive evidence is yet again provided by the legal texts. On the basis of the extant papyrological evidence, it is apparent that by the sixth century the mainstay of the agrarian workforce employed on the Egyptian bipartite estates, or at least, that portion of the workforce resident in the estate *epoikia*, bore the imperial legal designation of *coloni adscripticii*, that is, agricultural workers legally bound to reside on the estate in perpetuity, an obligation also incumbent upon the workers’ heirs and descendants. This is at its most evident from documents acknowledging the receipt by an estate employee of a capital item or loan furnished by the landowner, and the contracts of surety contained in the papyrological dossiers, in which the workers are typically styled *enapographoi georgoi*, the Greek equivalent of the Latin legal term. By virtue of the fact that these documents established potentially actionable agreements, those drafting them would have been careful to record the precise legal status of the parties concerned.<sup>105</sup>

From an imperial perspective, this obligation to reside in perpetuity on the estate resulted from the fact that the peasant had agreed to be enrolled (thus ‘adscripticius’) on the estate’s tax register. Demanding that the peasant, and his heirs, remain on the estate in perpetuity represented an attempt on the part of the imperial authorities to introduce an element of fixity and predictability to the collection of taxes. It was typically, although not necessarily, through the estate that the *colonus adscripticius* was meant to pay the imperial taxes to which he was liable, a practice known as estate *autopragia* or self-collection. The adscription of an agricultural worker and his family resulted from a prior agreement made between the worker and the landowner that the peasant

103. Y. Hirschfeld, ‘Farms and Villages in Byzantine Palestine’, *Dumbarton Oaks Papers*, li (1997), 33–71, 36.

104. *Ibid.*, 46. Similar evidence is increasingly emerging in relation to early Byzantine Syria, where the epigraphic evidence shows great landowners to have played an important part in the maintenance of village institutions. See F. Trombley, ‘Epigraphic Data on Village Institutions: An Interregional Comparison’, in L. Lavan (ed.), *Recent Research on the Late Antique Countryside* (2004).

105. See P. A. V., Sarris ‘Economy and Society in the Age of Justinian’ (Oxford D.Phil. thesis, 1999), pp. 54–77 and p. 131.

would reside on the estate, such as one finds recorded in the Egyptian contracts of surety.<sup>106</sup> A private contractual arrangement was thus reinforced by means of imperial law. Both in relation to the adscripticiate and the associated phenomenon of *autopragia*, the imperial government played an essentially reactive role.<sup>107</sup> Both practices can be seen to have developed autonomously at a provincial level, under a variety of terminological forms, the imperial authorities responding to emergent practice on great estates by attempting to provide a public legal framework and a unifying legal vocabulary with which to describe and regulate private contractual arrangements, in so far, that is, as the terms of these arrangements potentially impinged upon public fiscal concerns.

Certainly, the practice of estate workers paying their taxes to the imperial authorities through the intermediary of their employer is attested in the papyrological record long before any mention of the adscripticiate in the legal sources for the empire at large, or of *enapographoi* in the papyri. Tax collectives of labourers paying their fiscal dues via their landowner are recorded in the mid-third-century estate accounts preserved in the Heroninos archive.<sup>108</sup> An agricultural worker bearing the *de facto* status of an *enapographos georgos* is also recorded on the fifth-century *P. Oxy* 3584.<sup>109</sup> That he was not described as such would appear to have been resultant from the fact that this imperial, legal designation had not yet been uniformly adopted in Egypt, the legal institution only taking shape, even in the imperial legislation, in a piecemeal fashion throughout the course of the fourth and fifth centuries.<sup>110</sup> By the end of the fifth century the legal status of the *adscripticius* had essentially been established, and its terminological usage had become widespread. The way in which one can see the imperial authorities in the fourth and fifth centuries piecing together a new legal vocabulary and institutional framework with which to describe and regulate the lives of agricultural workers resident on large estates yet again alerts one to the extent to which the period witnessed a significant restructuring of agrarian conditions.

The imperial legislation thus records the adscripticiate to have been an empire-wide institution. Inevitably, the legal sources are primarily concerned with the institution's fiscal dimension, rather than its social

106. *Ibid.*, pp. 54–77.

107. B. Sirks, 'Reconsidering the Roman Colonate', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, cx (1993); *Romanistische Abteilung*, cx, 331–69.

108. D. Rathbone, *Economic Rationalism and Rural Society in Third-Century AD Egypt* (Cambridge, 1991), pp. 404–7.

109. P. A. V. Sarris, 'Economy and Society in the Age of Justinian' (Oxford D.Phil. thesis, 1999), p. 183.

110. See I. F. Fikhman, 'De nouveau sur le colonat du bas empire', *Papyrologica Florentina*, xix (1990), 159–79, who notes that certain of the legal issues concerned with the status of the *adscripticius* were still being addressed by the imperial authorities into the sixth century. For terminological variety, see A. H. M. Jones, *The Later Roman Empire* (3 Vols., Oxford, 1964) II, p. 799, who notes that the western chancery in the fifth century tended to describe *adscripticii* as *coloni originales* and by other such terms.

or economic aspects. Nevertheless, the economic character of the adscripticiate does emerge from the legislation. The first point to note is that, as Sirks has commented, from none of the descriptions of *coloni adscripticii* encountered in the legal sources would one derive the impression that they primarily represented a class of tenant farmers.<sup>111</sup> Thus, for example, in a constitution dating from 440, *coloni* are explicitly contrasted with tenants.<sup>112</sup> Their responsibilities, in so far as they are described, comprised the paying of the taxes to which they were liable, and the provision of labour. Thus, in a Greek constitution of Anastasius, *coloni* are described as obliged to 'work the land and pay their tax'.<sup>113</sup>

So if not primarily tenant farmers, what were they? Justinian provides the answer. In two Greek constitutions, Justinian describes the landowning employers of the *coloni adscripticii* as the 'masters of the *choria*'.<sup>114</sup> As seen above, *chorion* is used in the Egyptian papyri as a synonym for *epoikion*. A similar phrase is used in the *Secret History* of the sixth-century Greek author Procopius, in which he describes landowners as 'the lords of the *choria*'.<sup>115</sup> The *coloni* are thus explicitly associated with what, in the light of the Egyptian papyri, would appear to have been the settlements of the bipartite estate. It is, however, in a third Greek constitution of Justinian's, Novel 162 dating from 539, that one finds the most explicit legal description of the economic character of the adscripticiate. The *coloni* are defined as 'inhabitants of the *choria* . . . and workers of the fields. . . for this indeed is what the designation of *colonus* means'.<sup>116</sup> The *colonus adscripticius* of the late antique great estate was thus defined by his residence on the estate settlement and his readiness to provide the landowner with labour. This emphasis on the provision of labour service, in particular, would strongly suggest the presence of a directly managed estate in-hand.

Although the evidence is necessarily limited, taken together, the testimony of the papyrological sources from Egypt, the epigraphic evidence from Palestine, and the legal texts for the empire at large would suggest two conclusions. First, that the fourth and fifth centuries witnessed a fundamental restructuring of agrarian conditions in the eastern Mediterranean, characterized by the growth of large estates owned by members of the new imperial aristocracy of service. Second, that many of these estates would appear to have been bipartite in

111. B. Sirks, 'Reconsidering the Roman Colonate', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, cx (1993); *Romanistische Abteilung*, cx, 331–369, 334–5.

112. *Ibid.*, 334–5, note 10 and *Nov. Val.* VI, I p. 83. See the discussion in P. A. V. Sarris, 'Economy and Society in the Age of Justinian (Oxford D.Phil. thesis, 1999), p. 133.

113. *Codex Iustinianus* XI, 48, 19, p. 441 'ἀναγκάζονται καὶ τὴν γῆν γεωργεῖν καὶ τὸ τέλος παρέχειν'.

114. *J. Nov.* 157 and 163, p. 734 and p. 750 – 'τῶν χωρίων δεσπότας'.

115. Procopius, *Anecdota*, ed./tr. H. B. Dewing (London, 1919) XXII 40, p. 266 'τῶν χωρίων κυρίουσ'.

116. *J. Nov.* 162, p. 748 – 'οὐκῆτορας τῶν χωρίων . . . καὶ τῶν ἀγρῶν ἐργάτας . . . τοῦτο γὰρ δὴ τὸ τοῦ κολωνοῦ βούλεται πρόσρημα'.



structure, comprising a directly managed in-hand (the *autourgia*) and estate-owned settlements (*epoikia* or *choria*) and associated allotments (*ktemata*) on which the *coloni adscripticii* dwelled. The ubiquity of this form of estate structure in the late antique east is perhaps suggested by the fact that one of the Greek terms used in relation to the settlements of the great estates – *chorion* – was to come to serve as the standard medieval Greek word for ‘village’.<sup>117</sup> Just as the emergence of bipartite estates in fifth-century Egypt was recorded for posterity in the moralizing correspondence of Abbot Shenoud, so too may one find the same process described, this time for fourth-century Syria, in the homilies of John Chrysostom, who denounced Antiochene landlords who

impose unceasing and intolerable payments on them (the peasants) and require of them laborious services . . . What sight could be more pitiable than when having toiled the whole winter through in frost and rain, spent with work, the peasants return with empty hands and even in debt, dreading and fearing more than this ruin and more than hunger, the torments inflicted by the overseers, the seizures, the demand notes, the arrests, the inescapable forced labour?<sup>118</sup>

Whatever its effects on the peasantry as represented by Shenoud or Chrysostom, the emergence of these large estates is likely to have made a positive contribution to the wider economic development of the Eastern Empire at this time. In recent years, archaeologists and numismatists have become increasingly aware of the extent to which the period from the fourth to the early sixth centuries in the eastern Mediterranean was associated not only, as already seen, with demographic expansion, but also, more generally, with economic growth.<sup>119</sup> That this expansion in economic resources was associated with a concentration and restructuring of landownership should not occasion surprise. For, as emerges with particular clarity in relation to the properties of the Apion family, the aristocratic estates of the late antique east were emphatically non-autarkic enterprises. Rather, production on the great estates was highly commodified: labour was rationally and flexibly organized, with workers being directed between estate properties; a certain amount of specialization would appear to have characterized the holdings which the

117. That bipartite estates survived in the Eastern Empire into the seventh and eighth centuries and beyond is suggested by a number of indications. Thus, for example, the *autourgia* of ecclesiastical estates is mentioned in the decrees of the Second Council of Nicaea in 787. See J. Albergio, P.-P. Joannou, C. Leonardi and P. Prodi (ed.), *Conciliorum Oecumenicorum Decreta* (2 Vols, Freiburg, 1962–3) I, p. 123. I intend to address this issue in a forthcoming re-examination of the Byzantine ‘Farmers’ Law’.

118. John Chrysostom, *Homily in Matthew* LXI.3. See F. Field (ed.), *Joannis Chrysostomi Archiepiscopi Constantinopolitani Homiliae in Matthaicum* (3 Vols, Cambridge, 1839) II, pp. 206–7.

119. See B. Ward-Perkins, ‘Land, Labour and Settlement’ and ‘Specialized Production and Exchange’, in Averil Cameron, B. Ward-Perkins and M. Whitby (ed.), *The Cambridge Ancient History Volume XIV – Late Antiquity: Empire and Successors AD 425–600* (Cambridge, 2000), pp. 315–45 and pp. 346–91.

estate comprised, and the surplus produced by the in-hand would appear to have been marketed, presumably via the various estate-owned shops and warehouses attested in the sources. Both conceptually and practically, estate management was highly monetized.<sup>120</sup>

This commercial drive on the part of the managers of aristocratic properties was a natural by-product of the essentially urban focus of late antique aristocratic culture. Aristocratic landowners, resident in or near the cities of the empire from which they exercised their governmental and official functions, possessed a vested interest in ensuring that the surplus furnished by their estates was exchanged for cash. Only with such cash could they engage in the feats of competitive consumption and of civic and religious euergetism by which they established their standing in society. The extrovert, urban-focused lifestyle of the late antique aristocrat was predicated upon the commodified exploitation of his estates. Such being the case, a concentration of landownership in the hands of members of the new imperial aristocracy of service is likely to have been one of the major factors that contributed to the economic expansion of the period. As in parts of the late medieval and early modern west, economic growth went hand-in-hand with the rise of great estates.<sup>121</sup>

Irrespective of such late medieval and early modern analogues, the implications of the eastern sources for our understanding of contemporaneous developments in the late Roman and early medieval west are potentially far-reaching. For that part of the late Roman world for which the most evidence exists, it is possible to chart the emergence from the fourth century onwards of bipartite estates strikingly similar in terms of structure to those encountered in the *polyptyque* evidence of Frankia and Italy in the eighth century. It can no longer be safely assumed that the early medieval bipartite manor was a post-Roman, let alone a Carolingian, creation. Rather, the late Roman evidence from the east leads one back to the hypothesis of Fustel de Coulanges, that in parts of the west, including parts of Gaul, late Roman estate structures may have survived the period of transition of the fifth and sixth centuries substantially intact. The *polyptyque* evidence of the eighth century may reflect not so much the emergence of a new agrarian order, as the more widespread use after c.700 of highly durable parchment, rather than, in western conditions, the more ephemeral medium of papyrus, on which to record an already existing social reality.<sup>122</sup>

Certainly, there are a number of indications that point in this

120. See P. A. V. Sarris, 'Economy and Society in the Age of Justinian' (Oxford D.Phil. thesis, 1999), pp. 1–99 and J. Banaji, *Agrarian Change in Late Antiquity – Gold, Labour, and Aristocratic Dominance* (Oxford, 2002), pp. 190–212.

121. See S. H. Rigby, *English Society in the Later Middle Ages – Class, Status and Gender* (London, 1995), pp. 65–6.

122. See C. Wickham, 'Rural Society in Carolingian Europe', in R. McKitterick (ed.), *The New Cambridge Medieval History – Volume II c.700–c.900* (Cambridge, 1995), pp. 510–37, p. 511.

direction. In the Eastern Empire, the restructuring of the agrarian economy from the fourth century onwards can be seen to have resulted from a dynamic process of elite formation which led to the emergence of a new imperial aristocracy of service. Although the creation of the Constantinopolitan senate played an important part in this process, the key catalyst for the emergence of this new elite was provided by the dramatic expansion in the number of bureaucratic and military posts occasioned by the administrative reforms introduced by the emperors of the late third and early fourth centuries.<sup>123</sup> These reforms, one should note, were uniform to the empire as a whole, east and west. Most significantly of all, there is considerable evidence that, throughout the Roman world, they would appear to have had very similar social and economic consequences.

As both Matthews and Wormald have noted, as in the east, the fourth century in the west saw the emergence of a new imperial aristocracy of service with strong provincial roots, members of which were enrolled into the western senatorial order.<sup>124</sup> On the basis of the archaeological evidence, the emergence of this new aristocracy in the *pars occidentalis* can be seen to have coincided with what has been termed a fourth-century 'villa boom', indicating that it was associated with a restructuring of agrarian conditions. From Britain to Italy and from Gaul to North Africa, the fourth century saw the widespread construction of elite properties in the countryside characterized by the splendour of their design and the opulence of their decoration.<sup>125</sup> Thus, for example, Scott has noted of Roman Britain that

It was the fourth century that witnessed the greatest developments (in the villa landscape); many villas were substantially enlarged at this time. . . The fourth century also witnessed the first major agricultural innovations since the late Iron Age, including changes in both arable agriculture and animal husbandry.<sup>126</sup>

At the same time, a growing capitalization of agriculture in the late Roman west has been noted by McCormick, who has commented on how

123. See, for example, Averil Cameron, *The Later Roman Empire* (London, 1993), pp. 39–41 and pp. 54–5.

124. See J. Matthews, *Western Aristocracies and Imperial Court* (Oxford, 1975) and C. P. Wormald, 'The Decline of the Western Empire and the Survival of its Aristocracy', *Journal of Roman Studies*, lxxvi (1976), 217–26.

125. See C. R. Whittaker and P. Garnsey, 'Rural Life in the Later Roman Empire', in Averil Cameron and P. Garnsey (ed.), *The Cambridge Ancient History Volume XIII: The Late Empire* (Cambridge, 1998), pp. 277–311.

126. S. Scott, *Art and Society in Fourth-Century Britain – Villa Mosaics in Context* (Oxford, 2000), p. 79 and p. 107. Note also her discussion of the Gallic, Italian, North African and Spanish evidence – *ibid.*, pp. 107–11.

A further sign of agrarian economic growth comes from the new understanding of water mills. These expensive and complex mechanical installations signal investment for productivity. They represented a major and highly profitable release of human or animal power from the labour necessary to grind grain for daily bread. We now know that they had spread much more widely in late antiquity than was even recently believed.<sup>127</sup>

Greater capitalization of estates would appear to have gone hand-in-hand with more intensified commodification of agricultural production, and a closer integration of regional economies discernible from the archaeological evidence of fourth-century African Red Slip ware, the 'volume and geographic distribution' of which 'peak in the late fourth century'.<sup>128</sup> As in the east, the emergence of the fourth-century aristocracy of service in the west can be seen to have been associated with the introduction of new and more efficient forms of agricultural production and a quickening of patterns of exchange.

The estates of our late Roman western aristocrats shared other characteristics with those of their eastern counterparts. Both east and west, these aristocrats would appear to have enjoyed access to the resources of trans-regional estates. Thus, in a famous example, the Greek *Vita* of St Melania records that she and her husband owned property throughout the western provinces: in Italy, Spain, Sicily, Africa, Mauretania, Britain, and, the hagiographer adds, 'the other regions'.<sup>129</sup> Both east and west, these late antique landowners took an active interest in the management of their properties: in the fifth century for Gaul, Paulinus of Pella describes how he personally drove on his estate workers; Sidonius Apollinaris berates correspondents of senatorial stock for what he regards as their excessive interest in agriculture, just as, in sixth-century Oxyrhynchus, we can see members of the Apion family intervening directly in estate affairs.<sup>130</sup>

As in the late Roman east, the ascendancy of the new imperial aristocracy of service in the fourth-century west was associated with an increasingly marked concentration of landed wealth in the hands of this new elite. As Whittaker and Garnsey have remarked, 'the overwhelming weight of the evidence goes to show that the gap between the rich and

127. M. McCormick, *The Origins of the European Economy – Communications and Commerce, AD 300–900* (Cambridge, 2001), p. 10.

128. *Ibid.*, p. 55.

129. D. Gorce (ed.), *Vie de Ste Mélanie* (Paris, 1962), II, p. 146.

130. Paulinus of Pella, *Eucharisticon*, in H. G. Evelyn White (ed./tr.), *Ausonius – Works* (2 Vols., London, 1921) II, p. 320, lines 191–3; Sidonius Apollinaris in W. B. Anderson (ed./tr.) *Sidonius – Poems and Letters* (2 Vols., London, 1936 and 1965) I, letters I, 6, pp. 362–66, II, 14, pp. 481–83, II, letters VIII, 4, pp. 412–16, and VIII, 8, pp. 436–40; *P. Merr.* 96 – a letter concerning the inhabitants of an Apion-run κτήμα is described on *verso* as 'πα(ρὰ) τοῦ γεούχου'. Instructions given by members of the family are also included in certain of the estate accounts and other documents. See P. A. V. Sarris, 'Economy and Society in the Age of Justinian' (Oxford D.Phil. thesis, 1999), pp. 84–5

the poor widened'.<sup>131</sup> Certainly, for the fifth century, the Greek historian Olympiodorus of Thebes provides estimates for the annual incomes of the upper and middling senatorial grades in the west which, in the words of de Ste Croix, 'almost beggar belief'.<sup>132</sup>

The eastern and western aristocracies of late antiquity were thus unified in terms of genesis and character. Both east and west, the emergence of these elites would appear to have led to a restructuring of agrarian conditions and a concentration in the ownership of landed wealth. Moreover, one should note the extent to which these elite families were inter-related, the wealthiest among them owning land across the empire as a whole. It has already been seen that by the late sixth century the Apion family may have owned property not only in Egypt, but also in Sicily, and perhaps elsewhere in the empire. Likewise, for the fourth-century west, Ammianus describes how members of the senatorial order would 'hold forth unasked on the immense extent of their family property, multiplying in the imagination the annual produce of their fertile lands, which extend, they boastfully declare, from farthest east to farthest west'.<sup>133</sup> In another passage, Ammianus tells of how a relative of Melania, a certain Petronius Probus, was renowned for his great wealth, owning estates 'in almost every part of the empire'.<sup>134</sup> In the fifth century, in addition to property in Bordeaux and Marseilles, the Gallic landowner Paulinus of Pella inherited estates in Greece.<sup>135</sup>

For the east, the documentary papyri and legal texts permit one to chart the extent to which the dynamic process of elite formation that characterized the fourth century not only transformed Roman agrarian society in terms of redistributing wealth within it, but also led to a reconfiguration of the agrarian economy's underlying structure. Bipartite estates, centred upon an in-hand, would appear to have become a widespread feature of life within the Eastern Empire. Given the similarities and affinities between the respective elites, why should the same not also have been true in the west?

Yet again, one runs up against the absence of evidence. It would be naive, however, to mistake this for evidence of absence. That bipartite estate structures existed in the late antique west is certainly suggested by a number of sources. As has been noted, the historian Olympiodorus of Thebes provides estimates for the annual incomes of western senatorial families. The terms in which he describes these incomes are highly

131. C. R. Whitaker and P. Garnsey, 'Rural Life in the Later Roman Empire', in Averil Cameron and P. Garnsey (ed.), *The Cambridge Ancient History Volume XIII: The Late Empire* (Cambridge, 1998), pp. 277–311, p. 299.

132. G. E. M. de Ste Croix, *The Class Struggle in the Ancient Greek World* (London, 1983), p. 120.

133. Ammianus Marcellinus *Res Gestae* XIV.6.10, see W. Hamilton (tr.), *Ammianus Marcellinus – The Later Roman Empire* (London, 1986) p. 47, and J. C. Rolfe (ed./tr.), *Ammianus Marcellinus* (3 Vols., London, 1935–9) I, p. 40.

134. *Ibid.*, Vol. III, p. 72

135. See A. H. M. Jones, J. R. Martindale and J. Morris, *The Prosopography of the Later Roman Empire – I (AD 260–395)* (Cambridge, 1971), pp. 677–8.

informative. Olympiodorus states that many senatorial households received incomes 'from their *ktemata*' of more than four thousand *centenaria* of gold a year, not including the wheat, wine and all the other goods in kind, which would bring in a third as much again in gold if marketed.<sup>136</sup> As seen above, in the papyrological sources from Olympiodorus' native Egypt, the word *ktema* was used to designate the allotments associated with the estate-owned settlements (*epoikia* or *choria*) from which households such as the Apions received rents. It has been noted in relation to the Apion estates that the produce furnished by the in-hand (*autourgia*) is likely to have been marketed. Olympiodorus would appear to be describing a similar arrangement in relation to fifth-century western senatorial estates.

Some of the most suggestive evidence for the existence of bipartite estates in the late Roman west emerges from Italy. In the fifth century, the Latin *Vita* of St Melania the Younger records that, within the peninsula, she owned sixty settlements termed *villulae* inhabited by *servi agricultores*.<sup>137</sup> Whether these *servi* really were slaves, or something approximating more to *coloni* is unclear. In the imperial legislation on agricultural workers, *coloni adscripticii* were legally defined as being in a position analogous to that of slaves: the master's power over them was modelled upon the rights of the *dominus* over his slaves according to the Roman law of persons. Both *servus* and *colonus* were placed 'in domini potestate' – 'within the power' of his master.<sup>138</sup> Thus, in the sixth century, Justinian had considerable difficulty in differentiating between slaves and *adscripticii*, given this close similarity of legal status.<sup>139</sup> A similar blurring of the distinction between slaves (*mancipia*) and non-servile agricultural labour is discernible in the evidence from sixth- and seventh-century Gaul. Thus a Merovingian will dating from 643 refers to 'mancipiis tam servos quam et ingenuos'.<sup>140</sup> If Melania's *servi agricultores* were effectively *coloni adscripticii*, then her *villulae* may have approximated to the *epoikia* or *choria* of the eastern bipartite estates.

By the time one reaches the sixth century, there is irrefutable evidence for the existence of bipartite great estates within Italy. The fragmentary ecclesiastical estate accounts contained in the sixth-century Ravenna papyri record agricultural workers on landholdings most commonly

136. See R. C. Blockley, *The Fragmentary Classicising Historians of the Later Roman Empire: Eunapius, Olympiodorus, Priscus, and Malchus: 2 – Text, Translation, and Historiographical Notes* (Liverpool, 1983), 41.2 pp. 204–205.

137. See G. E. M. de Ste Croix, *The Class Struggle in the Ancient Greek World* (London, 1983), p. 258.

138. See, for example, *Codex Iustinianus* XI.52.1 p. 443.

139. See G. E. M. de Ste Croix, *The Class Struggle in the Ancient Greek World* (London, 1983), p. 252.

140. M. J. Tits-Dieuaide, 'Grands domaines, grande et petite exploitation en Gaule mérovingienne: remarques et suggestions', in A. Verhulst (ed.), *Le grand domaine aux époques mérovingienne et carolingienne* (Gent, 1985), pp. 23–50, p. 35.

termed *coloniae*, not only making what essentially appear to have been payments of a rental character, in both coin and kind, to the landowning institution, but also providing up to three days' labour service a week – 'per ebdomada operas'.<sup>141</sup> At the end of the sixth century, the letters of Pope Gregory the Great may also indicate a bipartite division of estates in Sicily. That the *coloni* on papal estates paid rent is well attested. That *coloni* in Sicily may also have performed labour services, however, is perhaps suggested by a letter contained within his correspondence in which Gregory expresses concern that impoverished and indebted agricultural workers termed *rustici* should not suffer by virtue of the services they might be obliged to render 'in angariis' to an unscrupulous creditor, although the character of such *angariae* is not, alas, elucidated.<sup>142</sup>

No evidence equivalent to that of the Ravenna papyri survives for late Roman Gaul. However, significant details do emerge in the second quarter of the fifth century from the writings of Salvian of Marseilles, who, in Book V of his *De Gubernatione Dei*, presents the reader with a vivid portrayal of agrarian conditions in the late empire. This picture is entirely consonant with that emergent from the legislation on patronage found in the *Codex Theodosianus* and the depiction of conditions in the fourth- and fifth-century east contained in the writings of John Chrysostom and Abbot Shenoud.<sup>143</sup>

Salvian explicitly describes formerly independent peasants handing over their plots of land to a great landowner in return for that landowner's protection – his *patrocinium* – and their becoming his tied *coloni*. As noted earlier, according to the imperial legislation on agrarian labour, the tied *colonus* of the great estate, like the slave, was placed within the legal power of his master. As such, in legal terms, he was *iuris alieni* – subject to the legal authority of another, in this instance, his employer. An understanding of this legal terminology is important if one is to make sense of Salvian's description of how 'pauperes et egestuosi. . . tradunt se ad tuendum protegendumque maioribus, dediticios se divitum faciunt et quasi in ius eorum discionemque transcedunt'.<sup>144</sup>

By virtue of this, the peasants are described as having been deprived of such property as they had formerly owned. This would have freed them from their obligations with respect to the land tax, but, as with the *coloni adscripticii* of the Apion estates, these *coloni* continued to be liable to the *capitatio* tax incumbent upon their person, which they paid through the

141. *P. Ravenn.* 3 Column I, 1–3.

142. D. Norberg (ed.), *S. Gregorii Magni Registrum Epistularum* (Brepols, 1982), V, 7, p. 274.

143. For the legal parallels, see G. E. M. de Ste Croix, *The Class Struggle in the Ancient Greek World* (London, 1983), p. 481.

144. Salvian de Gubernatione Dei, in K. F. von Halm (ed.), *Salviani Presbyteri Massiliensis Libri Qui Supersunt* (Monumenta Germaniae Historica – Auctorum Antiquissimorum t.I) V, 38–9, p. 62.

landowner, whom Salvian describes as an 'invader': 'cum possessio ab his recesserit, capitatio non recedit. . . rebus eorum incubant pervasores et tributa miseri pro pervasoribus solvunt'.<sup>145</sup> In accordance with the imperial legislation, Salvian presents the status of the tied estate *colonus* as an inheritable one, and, crucially, one associated with the performance of labour services, suggesting a bipartite division of the estates on which the peasants now found themselves. Thus he writes that 'post mortem patris nati obsequiis iuris sui agellos non habent et *agrorum muniis* enecantur'.<sup>146</sup>

Salvian's account then proceeds to describe such *coloni* fleeing to the estates of other great landowners ('fundos maiorum expetunt').<sup>147</sup> The new master provides the agricultural worker with accommodation, presumably in the estate-owned settlement, thereby once again tying him to the estate: 'nam suscipiuntur ut advenae, fiunt praeiudicio habitationis indigenae'.<sup>148</sup> Salvian presents a moving portrayal of the deracinated existence of the *coloni*: 'they are driven not only from their wealth but from their social status. They are exiled not only from their property, but even from themselves (exulantes non a rebus tantum suis, sed etiam a se ipsis)'.<sup>149</sup>

The alienation of the *colonus* by virtue of the social character of his directed labour on the great estate is also a theme in the east: in both the papyrological and legal sources, the Greek word *paroikos* is used as a synonym for the standard Greek term for the *adscripticius*, that of *enapographos*.<sup>150</sup> As a word designating an individual whose life consisted of insecurity and toil, *paroikos* comes to be used metaphorically to describe the Christian soul living in a fallen world, alienated from its creator.<sup>151</sup>

Salvian thus describes an expansion of what would appear to have been bipartite estates in fifth-century Gaul. That a bipartite structuring of estates may have survived into the sixth and seventh centuries is suggested by a number of Merovingian wills that describe the properties with which they are concerned in unusual detail. Thus, for the sixth century, the will of St Yrieix, dating from 573, records 'Nonniacum domum nostrum, cum aedificiis, vineis, silvis, pratis, et pasculis, vel cum omne iure suo'. The document then goes on to describe how the estate also included agricultural workers termed *mancipia*, listed by name, along with their wives and children. The *mancipia*, we are informed, were obliged to work the estate vineyards, whilst their wives were obliged

145. *Ibid.*, V, 42–3, p. 63.

146. *Ibid.*, V, 43, p. 63.

147. *Ibid.*, V, 43, p. 63.

148. *Ibid.*, V, 45, p. 63.

149. *Ibid.*, V, 44–45, p. 63.

150. See *P.Oxy L 3584* and *Codex Iustinianus I*, 2, 24, p. 17–18, *J.Nov.* 7, proemium, p. 51, *J.Nov* 120, 1, p. 578.

151. See G. W. H. Lampe, *A Patristic Greek Lexicon* (Oxford, 1961), p. 1042.



to pay an annual cash rent. The will then goes on to dictate that the *mancipia* were to be left in peace to make use of small divisions of land allotted to them, although they possessed no right to sell these allotments: 'peculiaria vero eorum, compellos et vineolas, nullo inquietante possidente, ea vero conditione, ut nec vendare nec alienare praesumant'.<sup>152</sup>

Labour services on an in-hand (in this instance consisting of vineyards), allotments, rent: the will details each of the key features of the bipartite estate. The document then proceeds to describe another property, the *fundus Sisciacus*, which was similarly structured, the in-hand comprising both vineyards and fields.<sup>153</sup> On a third property, described as 'Eustriaco portionem nostram', forty-five *mancipia* along with their families had been granted their liberty, although whether from a servile or semi-servile condition is unclear. Accordingly, only vestigial remains of the estate's former structure are discernible. Nevertheless, the inhabitants of the property were still expected to pay dues to and transport goods on behalf of the monastery to which the property was bequeathed. The monastery was also to inherit authority over twenty-four 'servi nostri' who remained unemancipated.<sup>154</sup> For the seventh century, the charter of Nizezius, dating from 680, describes 'curtes nostras indomincatas, cum ecclesiis aud solariis, et viverio et fructuario, piscatoriis, molendinis, simul cum apendiciis suis... cum servis et colonis'.

As Tits-Dieuaide has commented, the property thus consisted of a diversified in-hand worked by both servile labour and *coloni* who were presumably 'établis sur des terres dépendants des *curtes*'.<sup>155</sup> The evidence of the wills is confirmed by the testimony of the extant Merovingian *formulae* from the sixth century onwards. On the basis of these, Hägermann has concluded 'daß bereits um 600 wesentliche Elemente der Grundherrschaft klar erkennbar werden'.<sup>156</sup> Fragmentary though the evidence is, it is possible to identify bipartite estates in Gaul and Frankia from the early fifth century through to the late seventh. The charter of Nizezius brings one to within a generation of the early eighth century, when, in the words of Verhulst: 'sur base du fameux passage I, 13 de la *Lex Baiuvariorum* et de la *Lex Alemannorum* il situe l'existence certaine du domaine biparti classique'.<sup>157</sup>

152. M. J. Tits-Dieuaide, 'Grands domaines, grande et petite exploitation en Gaule mérovingienne: remarques et suggestions', in A. Verhulst (ed.), *Le grand domaine aux époques mérovingienne et carolingienne* (Gent, 1985), pp. 23–50, pp. 26–8 and p. 36.

153. *Ibid.*, pp. 36–7.

154. *Ibid.*, p. 37.

155. *Ibid.*, pp. 33–4.

156. D. Hägermann, 'Einige Aspekte der Grundherrschaft in den fränkischen *Formulae* und in den *Leges* des Frühmittelalters', in A. Verhulst (ed.), *Le grand domaine aux époques mérovingienne et carolingienne* (Gent, 1985), pp. 51–77, p. 64.

157. A. Verhulst (ed.), 'Introduction', in *Le grand domaine aux époques mérovingiennes et carolingiennes* (Gent, 1985), pp. 11–20, p. 16.

That, certainly in parts of Gaul, and, perhaps, Italy, late Roman estate structures should have survived from the fifth century through to the eighth substantially intact is perhaps less surprising than one might at first think. As Wormald has so forcefully argued, with the possible exception of Vandalic Africa, the early medieval successor kingdoms of the fifth- and sixth-century west were built upon a close symbiotic relationship of collaboration and cooperation between members of the Roman senatorial elite and the *reges et duces* of the barbarian newcomers.<sup>158</sup> This pattern of collaboration is likely to have meant that whoever ultimately gained from the demise of the Western Roman Empire, it is unlikely to have been the peasantry.

Of course, even if the underlying structure of agrarian relations of production did survive the political and military upheavals of the fifth century substantially intact, the context in which estates existed and operated would have been transformed. The demise of the Roman state as a tax-raising structure, combined with the widespread decline of urbanism, would have dealt a body-blow to the monetary economy of the former Roman provinces, severely curtailing the opportunities and incentives for great landowners to engage in commodified production. The consequent retreat of landowners in much of the west from *civitas* to *villa* meant that a form of estate structure that had arisen in the context of the highly urbanized, highly monetized, and highly commercialized world of the fourth century came to take on an increasingly autarkic aspect.<sup>159</sup> In the medieval phrase, a lord would be expected to 'live off his own'.

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158. C. P. Wormald, 'The Decline of the Western Empire and the Survival of its Aristocracy' *Journal of Roman Studies*, lxvi (1976), 217–26.

159. The greater need – resultant from demonetization – for the landowner to live directly off the produce of his own estates would appear to have led to a greater consolidation and regionalization of landownership. Demonetization rendered trans-regional ownership ever less practical. Demonetization is also likely to have resulted in a diminution of the size of estate in-hands, and a growth in the size of the conjoined allotments of the estate settlements. On the late antique great estates, such as that of the Apions, the *coloni* were rewarded for their labour on the in-hand by means of a wage in land (in the form of access to the allotments of the *ktemata*), but also a cash wage. As coinage became scarcer, the importance of this 'wage in land' would have increased. This increase in the size of the 'wage in land' would have been further catalysed by the shortage of agricultural labour resultant from the bubonic plague of the sixth, seventh, and eighth centuries. See P. A. V. Sarris, 'Economy and Society in the Age of Justinian' (Oxford D.Phil. thesis, 1999), pp. 107–8 and pp. 127–9, and J. Banaji, *Agrarian Change in Late Antiquity – Gold, Labour, and Aristocratic Dominance* (Oxford, 2002), pp. 190–212. For bubonic plague, see P. A. V. Sarris, 'The Justinianic Plague: Origins and Effects', *Continuity and Change*, 17.2 (2002) pp. 169–82.