

BIULETYN
POLSKIEJ MISJI HISTORYCZNEJ

BULLETIN
DER POLNISCHEN HISTORISCHEN MISSION

NR 19/2024

UNIwersytet MIKOŁAJA KOPERNIKA W TORUNIU
(POLSKA MISJA HISTORYCZNA PRZY UNIwersYTECIE
JULIUSZA I MAKSYMILIANA W WÜRZBURGU)

NIKOLAUS-KOPERNIKUS-UNIVERSITÄT TORUŃ
(POLNISCHE HISTORISCHE MISSION AN DER JULIUS-MAXIMILIANS-
UNIVERSITÄT WÜRZBURG)

TORUŃ 2024

KOMITET REDAKCYJNY / REDAKTIONSKOMITEE

prof. dr hab. Thomas Baier (*Julius-Maximilians-Universität Würzburg*), prof. dr hab. Caspar Ehlers (*Max-Planck-Institut für Europäische Rechtsgeschichte, Frankfurt am Main*), prof. dr hab. Helmut Flachencker (*Julius-Maximilians-Universität Würzburg*), dr Krzysztof Garczewski (*Uniwersytet Kazimierza Wielkiego w Bydgoszczy*), prof. dr hab. Heinz-Dieter Heimann (*Universität Potsdam*), prof. dr hab. Tomasz Jasiński (*Uniwersytet im. Adama Mickiewicza w Poznaniu*), prof. dr hab. Krzysztof Kopiński (*Uniwersytet Mikołaja Kopernika w Toruniu*), prof. dr hab. Zdzisław Noga (*Uniwersytet Komisji Edukacji Narodowej w Krakowie*), prof. dr hab. Krzysztof Ozóg (*Uniwersytet Jagielloński w Krakowie*), prof. dr hab. Andrzej Radzimiński (*Uniwersytet Mikołaja Kopernika w Toruniu*): Przewodniczący / Vorsitzender, prof. dr hab. Andrzej Sokala (*Uniwersytet Mikołaja Kopernika w Toruniu*), prof. dr hab. Wojciech Zawadzki (*Uniwersytet Kardynała Stefana Wyszyńskiego w Warszawie*)

REDAKCJA NAUKOWA / SCHRIFTFLEITUNG

dr Renata Skowrońska, prof. dr hab. Helmut Flachenecker

Redakcja naukowa i językowa (j. niemiecki) / Wissenschaftliche und philologische Redaktion (Deutsch)
dr Renate Schindler, dr Renata Skowrońska, dr Dirk Rosenstock

Redakcja językowa (j. angielski) / Philologische Redaktion (English)
Steve Jones

Tłumaczenia (j. niemiecki – j. polski) / Übersetzungen (Deutsch – Polnisch)
dr Renata Skowrońska

Sekretarz Redakcji / Redaktionssekretärin
mgr Mirosława Buczyńska

ADRES REDAKCJI / REDAKTIONSADRESSE
Polnische Historische Mission an der Universität Würzburg
Am Hubland, 97074 Würzburg, Niemcy / Deutschland
<http://apcz.umk.pl/czasopisma/index.php/BPMH/index>
<http://pmh.umk.pl/start/wydawnictwa/biuletyn/>

Kontakt: dr Renata Skowrońska
tel. (+49 931) 31 81029
e-mail: renata.skowronska@uni-wuerzburg.de

Biuletyn Polskiej Misji Historycznej jest udostępniany na stronie internetowej Akademickiej Platformy Czasopism, w systemie Open Journal System (OJS) na zasadach licencji Creative Commons.

Das *Bulletin der Polnischen Historischen Mission* ist auf den Webseiten der Akademischen Zeitschrift-Plattform zugänglich.
Die Zeitschrift wird im Open Journal System (OJS) auf Lizenzbasis Creative Commons veröffentlicht.

Prezentowana wersja czasopisma (papierowa) jest wersją pierwotną.
Diese Version der Zeitschrift (auf Papier) ist die Hauptversion.

ISSN 2083-7755
e-ISSN 2391-792X

© Copyright by Uniwersytet Mikołaja Kopernika w Toruniu

WYDAWCA / HERAUSGEBER
Uniwersytet Mikołaja Kopernika
ul. Gagarina 11, 87–100 Toruń, tel. (+48 56) 611 42 95, fax (+48 56) 611 47 05
www.wydawnictwoumk.pl

DYSTRYBUCJA / VERTRIEBS-SERVICE-CENTER
Wydawnictwo Naukowe UMK
Mickiewicza 2/4, 87–100 Toruń
tel./fax (+48 56) 611 42 38
e-mail: books@umk.pl, www.kopernikanska.pl/

DRUK / AUSGABE
Wydawnictwo Naukowe UMK
ul. Gagarina 5, 87–100 Toruń
tel. (+48 56) 611 22 15
Nakład: 300 egz.

SPIS TREŚCI
INHALTSVERZEICHNIS
CONTENTS

RENATA SKOWROŃSKA	7
Kronika Polskiej Misji Historycznej	
Chronik der Polnischen Historischen Mission	
The chronicle of the Polish Historical Mission	

RENATA SKOWROŃSKA	15
Stypendiści i goście Polskiej Misji Historycznej	
Stipendiaten und Gäste der Polnischen Historischen Mission	
Fellows and guests of the Polish Historical Mission's scholarships	

STUDIA I MATERIAŁY / STUDIEN UND MATERIALIEN / STUDIES
AND MATERIALS

SZYMON OLSZANIEC	23
Niewolnictwo w późnym Cesarstwie Rzymskim. Zarys problematyki	
Sklaverei im späten Römischen Kaiserreich. Ein Überblick	
Slavery in the Late Roman Empire: Outline of the problem	

JACEK BOJARSKI	65
Średniowieczne pochówki podwójne na cmentarzyskach Polski. Wolna wola czy nakazy religijne i społeczne?	
Mittelalterliche Doppelbestattungen auf den Gräberfeldern Polens. Freier Wille oder Religions- und Gesellschaftsdiktat?	
Medieval double burials in Polish burial grounds: Free will or religious or social mores?	

KRZYSZTOF KWIATKOWSKI	99
Niewolni w późnośredniowiecznych Prusach. Między wojną a kolonizacją	
Unfreie im spätmittelalterlichen Preußen. Zwischen Krieg und Besiedlung	
Unfree people in late medieval Prussia: Between war and settlement	

WOLFGANG WÜST	147
Przymus wyznaniowy i dyscyplina kościelna po augsburskim pokoju religijnym z 1555 roku. Brak wolności religijnej w Świętym Cesarstwie Rzymskim Narodu Niemieckiego w świetle zarządzeń kościelnych, policyjnych i karnych	
Konfessionszwang und Kirchengzucht nach dem Augsburger Religionsfrieden von 1555. Religiöse Unfreiheit im Heiligen Römischen Reich Deutscher Nation im Spiegel von Kirchen-, Policey- und Strafordnungen	
Confessional coercion and church discipline after the Peace of Augsburg of 1555: Religious penalties in the Holy Roman Empire of the German Nation as reflected in church, police and penal regulations	
JACEK KORDEL	179
„Chłopi są niewolnikami szlachty”. Położenie polskich włościan w świetle wybranych dzieł europejskiego oświecenia	
„Die Bauern sind geborene Sklaven ihrer Edelleute“. Die Lage der polnischen Bauern im Spiegel ausgewählter Werke der europäischen Aufklärung	
“Peasants are slaves to the nobility”: The Condition of Polish peasants in selected works of the European Enlightenment	
VOLODYMYR ABASCHNIK	213
Wkład uczonych polskich i niemieckich w dyskusje o wolności na Uniwersytecie Charkowskim w pierwszej połowie XIX wieku	
Der Beitrag polnischer und deutscher Gelehrter zu den Freiheitsdiskussionen an der Universität Charkiw in der ersten Hälfte des 19. Jahrhunderts	
The contribution of Polish and German scientists to discussions about freedom at Kharkiv University in the first half of the 19 th century	
KAVEH YAZDANI	265
Historia debat na temat pracy najemnej, niewolnictwa i sił napędowych kapitalizmu (od XVIII wieku do współczesności)	
Geschichte der Debatten um Lohnarbeit, Sklaverei und die Triebkräfte hinter dem Kapitalismus (vom 18. Jahrhundert bis zur Gegenwart)	
History of the Debates on wage labor, slavery, and the driving forces of capitalism (18 th century to the present)	
MARTA BARANOWSKA / PAWEŁ FIKTUS	287
Analiza i krytyka Konwencji w sprawie niewolnictwa z dnia 25 września 1926 roku w polskiej myśli polityczno-prawnej doby dwudziestolecia międzywojennego	
Analyse und Kritik des Sklavereiabkommens vom 25. September 1926 im polnischen politischen und juristischen Denken der Zwischenkriegszeit	

An analysis and critique of the Polish political and legal thought of the interwar period regarding the Slavery Convention of 25 September 1926

ALEXANDRA PULVERMACHER	309
Stosowanie aresztu prewencyjnego (Schutzhaft) na ziemiach okupowanej Polski na przykładzie Akcji „Inteligencja” w okręgu administracyjnym Zichenau (Ciechanów)	
Die Anwendung der „Schutzhaft“ im besetzten Polen am Beispiel der „Intelligenzaktion“ im Regierungsbezirk Zichenau (Ciechanów)	
The implementation of protective custody (Schutzhaft) in occupied Poland, exemplified by the Operation “Intelligence” in the administrative district Zichenau (Ciechanów)	
PIOTR HAPANOWICZ	325
Działalność niemieckiego pediatry Josefa Strödera w okupowanym Krakowie (1942–1944)	
Die Tätigkeit des deutschen Kinderarztes Josef Ströder im besetzten Krakau (1942–1944)	
The work of the German paediatrician Josef Ströder in occupied Krakow (1942–1944)	
BARTOSZ KALISKI	351
Czeski los. Jiří Lederer (1922–1983): ofiara dwóch systemów totalitarnych (narodowego socjalizmu i komunizmu)?	
Das tschechische Schicksal. Jiří Lederer (1922–1983): Opfer zweier totalitärer Systeme (Nationalsozialismus und Kommunismus)?	
The Czech fate. Jiří Lederer (1922–1983): A victim of two totalitarian systems (National Socialism and Communism)?	
KAZIMIERZ S. OŻÓG	379
„Jak feniks z popiołów”. Pamięć o roku 1945 zapisana w przestrzeni i architekturze Würzburga	
„Wie ein Phönix aus der Asche“. Die Erinnerung an 1945 festgehalten im Raum und in der Architektur Würzburgs	
“Like a phoenix from the ashes”: The memory of 1945 recorded in the space and architecture of Würzburg	

SZYMON OLSZANIEC

Uniwersytet Mikołaja Kopernika w Toruniu

E-Mail: so@umk.pl

ORCID ID: <https://orcid.org/0000-0003-1980-2081>

SLAVERY IN THE LATE ROMAN EMPIRE OUTLINE OF THE PROBLEM

Slavery was of such fundamental importance for the social structure and economy of Rome that the excellent scholar Moses Finley used to write in this context about a *slave society* and a *slave economy*.¹ It seems interesting that he used the same term to denote the processes taking place in ancient Rome and in the southern states of America in 18th–19th centuries. In the case of the Later Roman Empire, the period when slavery played decisive role in organization of labour in agriculture was over, but we still find slaves beside tenants (*coloni*) working in the fields and as administrators of landed estates on behalf of their masters. We see them as servants in Roman houses and public places. In this essay, I will try to summarize most important information concerning slavery in the Later Roman Empire and the main lines of discussions of historians focusing on that issue for colleagues examining other historical epochs. With them in mind, I will fix my attention on the number of the slaves in the Empire, the sources of acquiring slaves, and their role in landed estates and in households in that period.

ON THE NUMBER OF SLAVES IN THE ROMAN EMPIRE

I will start from numbers, the main problem is: can we establish the quantity of population of slaves in the Empire, especially in Later Roman Empire?

¹ Finley: *The Ancient Economy*, p. 79. Similar point of view: Harper: *Slavery*.

Let us start from cities: according to Peter Garnsey and Richard Saller, in Rome, whose population may have been one million, slaves constituted as many as around 30% of the population.² An example of a city from the interior of the Empire is provided by Pergamon. According to Galen (second and third century A.D.), the number of slaves in that city was about 40,000, which, in the opinion of Ramsay MacMullen, may have accounted for about a quarter of the city's total population.³ Similarly, in the case of a small town of Siagu (modern Ksar el-Zit in eastern Tunisia), Richard Duncan-Jones, as a result of an analysis of epigraphic material, normative and literary sources, assumed that the population of 14,000 (including 4,000 citizens) should also be extended by 3,000 slaves.⁴

As far as the provinces of the Empire are concerned, most researchers assumed that slavery was less widespread in the Roman East than in the West, which was due to the use of other forms of dependent labour there.⁵ Thus, Ramsay MacMullen considered that in Alexandria in the 3rd AD, slaves may have constituted as much as one-eighth of the population, while in the interior of this part of the Empire it may have been about a tenth of the population, noting that in the case of Egypt, as a rule, there were almost no slaves working in the fields, especially starting from the 4th century A.D.⁶ Researchers also agree with the view that disproportionately more slaves

² Garnsey et al.: *The Roman Empire*, p. 109.

³ MacMullen: *Late Roman Slavery*, p. 238. Earlier Duncan-Jones: *City Population*, p. 90 used the *ratio* of three and a half and thus obtained the population of free people of approximately 140 thousand. On the other hand, de Ste Croix: *The Class Struggle*, p. 242 claimed that Pergamon had 40 thousand citizens and 40 thousand of their wives and slaves. Another example: at the beginning of the 4th century, Augustodunum was expected to have at least 32 thousand free citizens (Nixon et al. (ed.): *Panegyrici Latini*, V. 11.1), which according to Duncan-Jones meant that the city population, including slaves, must have had the population of around 50 thousand.

⁴ Duncan-Jones: *City Population*, p. 86, 88–89.

⁵ In the East mostly the work of free leaseholders was used, see for instance: Jones: *Slavery*, p. 195.

⁶ MacMullen: *Late Roman Slavery*, 239; de Ste Croix: *The Class Struggle*, p. 257. de Ste Croix observes the existence of small groups of slaves not exceeding of 20 people in Aegean and Asia Minor; Harris: *Demography, Geography*, p. 64–65: Egypt „had a lower ratio of slaves than almost any other province”; in relation to Egypt and Africa: Garnsey et al., *The Roman Empire*, p. 135: “in Africa, the agricultural workforce was largely free, as it was in Egypt”; Garnsey: *Peasants in Ancient Roman Society*, p. 94: in Egypt and Africa agricultural slavery did almost not exist; Finley: *Ancient Economy*, p. 71.

than in other parts of the Empire remained in Southern Italy, Sicily and North Africa. This was probably related to the estates of the Roman aristocracy operating based on slave labour functioning in these areas.⁷

Italy has a special status in this comparison. While in the time of Augustus (27 B.C.–14 A.D.), the population of free people was estimated by many authors (including Ramsay Mac Mullen and Peter Garnsey) using calculations by Peter A. Brunt at four to four and a half million, slaves were estimated to be about three million.⁸ Somewhat more cautiously, William V. Harris assumed that Rome and Italy may have been inhabited by two/three million slaves, although at the same time, he admitted that in principle, it is impossible to determine the size of the slave population in the Empire due to insufficient evidence, and stated that, in general, we have problems

⁷ The uniqueness of these parts of the Empire was pointed out by de Ste Croix: *The Class Struggle*, p. 242. For de Ste Croix they were Italy, Sicily and Egypt, but even he is hesitating as he writes: “Large estates, of course, could be either slave-worked, or let to tenants, or both” and gives no indication to the sources; Garnsey, on the other hand, believed that they were concentrated only in southern Italy and Sicily. see: Garnsey: *Peasants*, p. 94–95; similarly: Idem: *Non Slave Labour*, p. 135. For important role of slaves in Italy, Africa and southern Gaul in the Late Empire, see: Harper: *Slavery*, p. 188, but his evidence is not unambiguous. He pointed to a group of constitutions placed in *Theodosianus* and *Justinianus*. The laws: *Codex Theodosianus* (further: *CTh.*) X. 12. 1 and X. 12. 2 concerned vagrant slaves was issued in Trier and didn’t confirm the existence of large estates based on slave labour. *CTh.*, X. 8. 1 of 313 issued in Milan concerning handing over estates belonging to *aerarium*; the third is *Codex Justinianus* (further: *CJ*) XI. 53. 2–3. The problem is that such a law does not exist, with the only one constitution in this chapter being *CJ.*, XI. 53. 1, concerning bound tenants in Illyricum. In section 2. the law forbade receiving slaves from Illyricum, in section 3 receiving freedmen (*liberti*) from this part of Empire. Similarly, as in case of above cited constitutions *CTh.*, X. 12. 1 and X. 12. 2 *CJ.*, XI. 53. 1 gives us no direct information about estates based on slave labour. The problem of significance of slave labour in late antique Northern Africa is discussed recently by Noel Lenski who stated that even in the first and second centuries labour in Roman North Africa was “overwhelming free” (Lenski: *Peasant and Slave*, p.119). He does not deny the existence of other forms of organization of labour, but in the case of the 4th century we have “almost nothing with which to determine the relative importance of slaves versus *coloni* in the North African agricultural labour pool during this century.” and slaves as a source of rural labour were „outnumbered by tenants” (Lenski: *Peasant and Slave*, p. 136).

⁸ MacMullen: *Late Roman Slavery*, p. 243. MacMullen here draws upon the findings by Brunt: *Social Conflicts*, p. 18; Idem: *Italian Manpower*, p. 224: the whole population of Italy was estimated at seven and a half million. Brunt’s findings are also accepted by Garnsey: *Peasants*, p. 94: slaves constituted two fifths of Italy’s population; Similarly: Garnsey: *Non-slave labour*, p. 136: there were two and a half to three million slaves, whereas the whole population of Italy was six–seven and a half million.

with determining the size of the population of the Empire.⁹ Nevertheless, all slaves were absorbed into the local economy, building a completely different quality of life for the people of Italy. According to MacMullen, during the imperial era, each *villa* owned by a senator located near Rome hosted about 60 slaves, in the estates of members of *ordo equester* about 40, while for other wealthy people, the number fluctuated around ten. Going further, MacMullen recognizes that in the hands of 5% of the elite of the Empire, there were about one million slaves.¹⁰ A slightly different calculation, applied to the entire Empire, is presented contemporarily by Kyle Harper. He assumes that in the 4th century A.D. the families belonging to the highest-ranking part of the senatorial class, i.e. the *illustres* (500–600 richest families in the state) and the rest of the elite, i.e. lower-ranking senators (*spectabiles* and *clarissimi*) and decurions, owned about half of the slave population; according to his calculations, it could have been about 2.85 million slaves. Thus, about 1.5% of the Roman society owned half of the slave population.¹¹ This is more than Ramsay MacMullen assumed. Going down the social ladder, Kyle Harper calculated that the Empire's middle class, which he refers to as the *bourgeoisie* and which constituted a further 10% of the population, essentially controlled the remaining half of all slaves in the Empire.¹² In conclusion, according to Harper, it appears that just over 10% of the Roman population undoubtedly owned almost the entire slave population of the Empire.¹³

According to the same author, the slave population in the Empire was five million,¹⁴ in contrast to the total of 50 million inhabitants of the Empire in the 4th century AD.¹⁵ However, these are not the only estimates. Indeed, we also find other calculations in older literature: The most optimistic were the estimates by William V. Harris, who, more than forty years ago, considered that in the time of the early Empire (1st–3rd centuries AD), as many as ten million slaves could have lived within its borders. Harris also assumed

⁹ Harris: *Demography, Geography*, p. 64.

¹⁰ MacMullen: *Late Roman Slavery*, p. 243.

¹¹ Harper: *Slavery*, p. 24, 40, 43.

¹² *Ibidem*: p. 24.

¹³ *Ibidem*: p. 25.

¹⁴ *Ibidem*: p. 25.

¹⁵ *Ibidem*: p. 142.

that the Empire needed half a million new slaves each year.¹⁶ W. Scheidel claimed that there were six million slaves in the Early Empire for a population of 60 million, of which two or three million slaves were associated with Italy.¹⁷ Interestingly, various researchers agree, on the other hand, that there was no sharp decline in the number of slaves in the Empire, as their population remained stable, despite the end of the age of wars by Augustus: it was quite similar from Augustus to Alaric.¹⁸

However, it is clear from the above summaries that slaves have always been a minority compared to the free population of the Empire, not exceeding ten percent of the whole population. Let me refer to more numbers. At the time of the Antonines, the wife of Apuleius (2nd century AD), Pudentilla, not being a senator, could boast of owning 400 slaves.¹⁹ Along with Apuleius, she owned 15 slaves at her house in Oeia.²⁰ At the turn of the 4th and 5th century AD, a Roman aristocrat, Melania the Younger, was the owner of 60 estates in Italia, with 400 slaves (*servi agricultores*) working in each of them.²¹ This indirectly confirms the thesis that the richest citizens were owners of very numerous, but rather small estates.²² Melania must have owned at least 24,000 slaves.²³ She was also believed to have liberated 8,000 of her own slaves working at her estates in and around Rome.²⁴

All the figures given above are enormous. Therefore, I must point out that Italian researchers were critical of them. De Martino believed that since these estates were referred to as *villulae*, they were unlikely to have

¹⁶ Harris: *Towards a Study*, p. 118; Idem: *Child Exposure*, p. 18.

¹⁷ Scheidel: *Quantifying*, p. 168.

¹⁸ MacMullen: *Late Roman Slavery*, p. 246; Whittaker et al: *Rural life*, p. 294. A slight decrease in the number of slaves see: Finley: *Ancient Slavery*, p. 127; regarding the early Empire: Scheidel: *Quantifying*, p. 158: during the period of Principate, the population of slaves remained stable for eight to ten generations.

¹⁹ Butler et al. (ed.): Apuleius, *Apologia, sive Pro se ipso de magia liber*, 93.

²⁰ Ibidem, 43–45; see: Garnsey et al., *The Roman Empire*, p. 135.

²¹ Rampolla de Tindaro: *Vita Melaniae Junioris*, XVIII; Cracco Ruggini: *Sicilia III/IV secolo*, p. 487 footnote 13 and Calderone: *Enchiridion*, p. 110 argue that those estates were in Sicily, but it is not certain.

²² Garnsey et al.: *The Roman Empire*, p. 95.

²³ Finley: *Ancient Slavery*, p. 123; Garnsey: *Non-slave labour*, p. 142. Going further, according to Garnsey, the wealth of 80 to 125 such Melania's could have equalled the supposed slave population in Italy at the time of Augustus.

²⁴ For more on that topic, see also: de Ste Croix: *The Class Struggle*, p. 258.

four hundred (*quadrigentenos*) slaves serving in each, but at most forty (*quadragenos*).²⁵ Similar objections are contemporarily being expressed by Domenico Vera, who wonders whether the author of *Vitae Melaniae Iunioris* possibly meant *coloni adscriptici*.²⁶ The eminent Italian researcher indicated that the largest slave holders in the southern United States in the 19th century owned 100 to 200 slaves.²⁷ Returning to Melania, however, it should be noted that she also owned estates in the Apennine peninsula and provinces, as Ramsay MacMullen notes, even in her ascetic period of life, Melania appears very often surrounded by a few dozen slaves and freedmen.²⁸

Regional differences were appearing already in the period of the Empire.²⁹ In the Later Roman Empire, the sources tell us about several provinces that were suppliers of slaves. At the same time, they do not specify what numbers we are talking about. In the description of Pannonia, in a treatise dating from the mid-4th century, *Expositio totius mundi et gentium*, we find information that, apart from other goods that region supplied, it was also rich in slaves.³⁰ Slightly different information can be found in this source in reference to Mauretania, which is described as a province that trades clothes and slaves.³¹ *Expositio* thus suggests that Mauretania was a slave

²⁵ De Martino: *Il colonato*, pp. 808–809.

²⁶ Vera: *La Vita Melaniae Iunioris, fonte fondamentale per la storia*, p. 369. The Roman senator and prefect of Rome of the year 384, Quintus Aurelius Symmachus, was owner of three *villae* near Rome, at least a further twelve scattered in central Italy, as well as estates in southern Italy, Sicily and Mauretania. They are listed by Seock: *Q. Aurelii Symmachii* p. XLV–XVI. For Harper: *Slavery*, p. 187–188, Symmachus and his estates are another example of use of slave-labor by the member of the elite in Africa, southern Italy and southern Gaul, but Lenski: *Peasant and Slave*, p. 135, shows that the letters of Symmachus told us nothing about who the “labour force” was, and in the case of Symmachus’s estates in Italy, the work-force “are likely to have been *coloni* rather than slaves”.

²⁷ Vera: *La Vita Melaniae Iunioris, fonte fondamentale per la storia*: p. 370.

²⁸ Mac Mullen: *Late Roman Slavery*, p. 245. Kalinkowski et al. (ed.): Palladius, *Historia Lausiaca* (further: Pall., *Hist. Laus.*), LXI. 6: surrounded by 60 free or slave virgins and 15 eunuchs.

²⁹ Scheidel, *Quantifying*, p. 159.

³⁰ Sainton (ed.): *Expositio*, 14; MacMullen: *Late Roman Slavery*, p. 236.

³¹ *Expositio*, 17; slaves were acquired during campaigns against the tribes living in the Sahara, see: Cagnat et al. (ed.): *Corpus Inscriptionum Latinarum*, VIII, Suppl. 3 21486 from the 3rd century AD and Willmans (ed.): *Corpus Inscriptionum Latinarum* VIII, 1 4508 from 202 A.D. Harper: *Slavery*, p. 87 the intermediaries were the Garamantes. The relation

trade centre. Similarly, St. Augustine in his letters writes about free inhabitants of Numidia being kidnapped by organized groups of *mangones* on the Numidian territory (see below).

SOURCES OF ACQUIRING SLAVES IN THE LATE ROMAN EMPIRE

In the case of the Late Roman Empire, the problem was that the era of great wars that ended in full Roman victory, plundering the defeated, conquering new territories, as well as abducting the local population into slavery and then selling them at slave markets had been long gone. Most of such wars were fought by Rome during the Republican period of its history. This is the genesis of the claims about the decline of slavery in the Empire during the Augustan era. For some scholars, the last great enslavement by the legions was about 150,000 Epirotes abducted by the expedition of L. Aemilius Paulus of 167 BC. Meanwhile, as Kyle Harper points out, Rome's annual need for new slaves was twice as large.³² The end of an era was also sought in other expeditions: Moses Finley added those captured during the Gallic War by Caesar – there were supposed to be a million of them, and according to this historian, this may be a plausible number.³³ In addition, Arnold Hugh Martin Jones pointed to the military activities in Spain, Germania, the Alpine area, Illyricum and Pannonia that Augustus carried out, but at the same time, admitted that the reign of the first Roman emperor was a breakthrough, after which the mentioned source dried up.³⁴ Lo Cascio believed that Trajan's Dacian campaign was the last one to cause a large influx of slaves.³⁵

In this regard, in 1980, William V. Harris was the first to write that the sources of slaves in the Roman Empire must have been diverse.³⁶ Assuming

of *Expositio totius mundi et gentium* on Mauretania is commented by: Lenski: *Peasant and Slave*, 134–135. He agreed that it is not indication of widespread using of slaves in local agriculture, but rather means that Mauretania was an exporter of captive Berbers or sub-Saharan.

³² Ibidem, p. 68.

³³ Finley: *The Ancient Economy*, p. 72; similarly: Lo Cascio: *La proprietà*, p. 55.

³⁴ Jones: *Slavery*, p. 193.

³⁵ Lo Cascio: *Leconomia dell Italia*, p. 131.

³⁶ Harris: *Towards a Study*, p. 117.

that the level of reproduction among slaves was low, because of the imbalanced sex *ratio*, infertility, high mortality and manumissions,³⁷ he pointed out the importation of slaves and the enslaving of foundlings.³⁸ Another point of view was represented by Walter Scheidel. He saw natural reproduction as the most important source of slaves.³⁹ Roman slavery, at least in the Later Roman Empire period, was not a direct result of expansion.⁴⁰

ACQUIRING SLAVES FROM OUTSIDE

Undoubtedly, the victories of the Roman army still played a role. Nevertheless, the basis was the activities of slave traders⁴¹. Most researchers recognize that the Roman state entered into cooperation with slave traders operating on both sides of the borders of the Empire.⁴² This is illustrated perfectly by Ammianus Marcellinus. During Emperor Julian's stay at Constantinople (362):

His intimates tried to persuade him to attack the neighbouring Goths, who were often deceitful and treacherous; but he replied that he was looking for a better enemy; that for the Goths the Galatian traders were enough, by whom they were offered for sale everywhere without distinction of rank.⁴³

³⁷ Harris: *Demography, Geography*, p. 70.

³⁸ *Ibidem*, p. 72.

³⁹ Scheidel: *Quantifying*, p. 167.

⁴⁰ Harper: *Slavery*, p. 67.

⁴¹ Scheidel: *Quantifying*, p. 160: during the Principate, the external sources of new slaves were the territories of: Ireland, Scotland, Germania, southern Russia, the Caucasus, the Arabian Peninsula, the Sudan, as well as Mesopotamia and Iran, although the latter also supplied slaves to the Parthian Empire; very similarly: Harris: *Demography, geography*, p. 72: acquiring large numbers of slaves in this way may have led to instability in the populations of the Empire's neighbours. During the Late Empire, the acquisition of slaves from among the barbarians is also strongly emphasized by de Ste Croix: *The Class Struggle*, p. 258.

⁴² Harper: *Slavery*, p. 84; see also: Garnsey et al.: *The Roman Empire*, p. 98: The slave trade was well organized and freely crosses borders and has always been a significant source of slaves; similarly: Garnsey, *Non-slave labour*, p. 142.

⁴³ Rolfe (ed.): Ammianus Marcellinus (further: Amm. Marc.), XXII. 7. 8: "suadentibus

In the summer of 371, during an incursion against Macrianus, the king of Alamanni *magister peditum* Severus reports:

[...] chanced to find some of the traders leading slaves intended for sale, and because he suspected that they would quickly run off and report what they had seen, he took their wares from them and killed them all.⁴⁴

In 374, with the law placed in *Codex Iustinianus* (Book IV. Chapter 63. Law 2⁴⁵) Emperors Valentinian I, Valens and Gratian forbade paying barbarians in gold for slaves:

The same Augusti and Gratian Augustus to Tatianus, Count of the Imperial Finances.

Not only should gold not be offered to the barbarians, but also, if it has been discovered among them, it should be removed by careful ingenuity. If hereafter gold has been transferred by merchants to barbarians for slaves or any other products, they (the merchants) should no longer be subjected to fines, but to capital punishment, and if a judge does not avenge this when it is discovered, he is striving to conceal criminal activity as though he were involved in it. (374?)⁴⁶

After Emperor Valens granted the Goths permission in 376 to settle in Thrace:

proximis, ut aggredereetur propinquos Gothos, saepe fallaces et perfidos, hostes quaerere se meliores aiebat : illis enim sufficere mercatores Galatas, per quos ubique sine conditionis discrimine venundantur.” All translations of Ammianus Marcellinus in this paper are derived from edition by Rolfe.

⁴⁴ Ibidem, XXIX. 4.4: “suspiciabatur venalia ducentes mancipia scurras, casu illic repertos, id, quod viderant, excursu celeri nuntiare, cunctos mercibus direptis occidit.”

⁴⁵ Further on, I use only numbers.

⁴⁶ “Non solum aurum barbaris minime praebeatur, sed etiam si apud eos inventum fuerit, subtili auferatur ingenio. Si ulterius aurum pro mancipiis vel quibuscumque speciebus ad barbaricum fuerit translatum a mercatoribus, non iam damnis, sed suppliciiis subiugentur, et si id iudex repertum non vindicat, tegere ut conscius criminosa festinate. Valentin. Et Valens AA. Et Grat. A. Tatiano com. sacr. larg.” (374?). All translations of *The Justinian Code* in this paper are derived from edition by Frier et al.

When the barbarians after their crossing were harassed by lack of food, those most hateful generals devised disgraceful traffic; they exchanged every dog and their insatiability could gather from far and wide for one slave each, and among these were carried off also sons of the chieftains.⁴⁷

The first three fragments illustrated what is called by Harris *peacefully imported slaves*⁴⁸. The question arises as to how many slaves the Empire acquired in this way in the 4th–5th centuries, and I think that this question cannot be answered unequivocally. In his older publications Walter Scheidel argues for 20,000–25,000 slaves imported from beyond borders of Empire or even less 10,000–15,000 and considered 40,000 proposed by Harris as *an implausibly high figure*⁴⁹.

Paradoxically, the slaves obtained from the barbarians may have been Romans themselves – abducted from the territory of the Empire during plundering expeditions. They could return to the ranks of free people, but only after paying the buyer a fee equal to their price, otherwise they remained slaves⁵⁰. This is illustrated by a law issued on December 3, 408, and placed in *Codex Theodosianus* (Book V. Chapter 7. Law 2⁵¹=? *Constitutio Sirmondiana*, 16) addressed to praetorian prefect of Italy and Illyricum Theodorus⁵², which ordered that the person who repurchased the captive from barbarian slavery be reimbursed for the cost of redemption; otherwise, it permitted the repurchased to be retained as a slave for five years:

⁴⁷ Amm. Marc., XXXI. 4. 11: “cum traducti barbari victus inopia vexarentur, turpe commercium duces invisissimi agitarunt, et quantos undique insatiabilitas colligere potuit canes, pro singulis dederunt mancipiis, inter quae et filii ducti sunt optimatam.” Similarly: Leppin et al. (ed.): Themistius, *Orationes*, X. 136b describing the consequences of the first war of Valens against Goths (366–369) and the peace of 370.

⁴⁸ Harris, *Demography, Geography*, p. 73.

⁴⁹ Scheidel: *Quantifying Sources*, p. 164 and 167. Scheidel: *Measuring Sex*, p. 164 footnote 34 and Scheidel: *Quantifying Sources*, p. 164 footnote 34 argues, that at the end of 18th century Atlantic slave trade reached average 70,000 *per annum*. Harris: *Demography, Geography*, p. 73 and footnote. 81 considers 40.000 slaves *per annum* imported through the borders of the Empire, but eventually agrees in general terms with the quantities established by Scheidel.

⁵⁰ Jones: *Slavery*, p. 196.

⁵¹ Further on, I use only numbers.

⁵² Martindale: *The Prosopography*, p. 1086–1087, s.v. *Theodorus 9*.

[...] Exception shall be made in the case of those persons who are proved to have been purchased from barbarian vendors, for it is equitable that because of public welfare the price that had been paid for the recovery of their status be restored by them to the purchasers in order that the consideration of a great loss may never cause the purchase of those who are placed in such an exigency to be refused, and in order that We may not be found rather to have prejudiced the safety of those persons for whose freedom We wished to make wise provision. It is fitting that such persons should either restore their purchase price to the purchasers or should render recompense for the favor by their labor, subservience, or service during a period of five years, and then they shall have their freedom unimpaired, if they were born in that condition.⁵³

ABDUCTION

Ramsay MacMullen has drawn attention to the letters of St. Augustine, which describe a large population of poor but free peasants, who were in danger of being abducted and sold into slavery in overseas markets.⁵⁴ The role of abductions in acquiring new slaves was also emphasized by William Harris and Kyle Harper.⁵⁵ In *Letter 10**, Augustine intervened in the case of the free inhabitants of Numidia being kidnapped by slave traders, the so-called *mangones*; in his opinion, those abducted in the territories of his province flowed “like an endless river”.

Augustine was aware that these kidnappers of free Romans enjoyed patronage at the highest level, hence the efforts of the Bishop of Hippo to interest the Emperor in the matter.⁵⁶ The procedure may thus have been

⁵³ “[...] exceptis his, quos quis barbaris vendentibus emisse docebitur, a quibus status sui pretium propter utilitatem publicam emptoribus aequum est redhiberi: ne ingentis damni consideratio in tali necessitate positus negari faciat emptionem, et inveniamur, quorum libertati consuli volumus, saluti potius obfuisse. Hos decet aut datum pro se pretium emptoribus restituere, aut labore, obsequio vel opere quinquennii vicem referre beneficii, habituros incolumem, si in ea nati sunt, libertatem”. Quotation based on *Constitutiones Sirmondianae*. All translations of *The Theodosian Code, Sirmondian Constitutions and Novels* in this paper are derived from edition by Pharr et al.

⁵⁴ MacMullen: *Late Roman Slavery*, p. 241.

⁵⁵ Harris: *Demography, Geography*, p. 73–74; Harper: *Slavery*, p. 79.

⁵⁶ *Ibidem*, p. 95; earlier on that matter: Garnsey, *Ideas of Slavery*, pp. 62–63.

widespread. Contemporary Kyle Harper counted abductions among the primary means of acquiring new slaves.⁵⁷ The author claimed that it was a normal practice, which does not need to be perceived as the sign of a downfall of the Roman system.⁵⁸

REPRODUCTION

In this context, I have to say that in historiography there is a well-entrenched view that men were dominant among slaves. Such theses were propounded by, among others, Elio Lo Cascio and William Harris⁵⁹, whereas Geoffrey De Ste Croix believed that while we encounter slave women in the master's *domus*, the sources are essentially silent about their work in agriculture⁶⁰, thus men must have been dominant there.⁶¹ Recently, however, it has been noted that biology acted quickly. Even if the *sex ratio* was in favour of men, after one generation the *ratio* of men to women balanced itself out.⁶²

As early as the 1950s, Jones noted that the reproduction and subsequent rearing of slaves must have been the primary source of their acquisition but was costly. The master had to support such a slave's wife and offspring, who required investment before they reached the age of teenagers. In doing so, Jones notes that with the significant mortality of children in antiquity, many did not even live to that age.⁶³ Similarly, William Harris was cautious in assuming that the net reproduction rate was rather low, while it was influenced by high mortality, *manumissio* procedures and infertility.⁶⁴

⁵⁷ Harper: *Slavery*, p. 93.

⁵⁸ *Ibidem*, p. 94.

⁵⁹ See, for example Lo Cascio: *Considerazioni*, pp. 51–65; Harris, *Demography, Geography*, 62–75. For example, on p. 66: *sex ratio* in rural estates and workshops indicates the dominance of men among slaves.

⁶⁰ de Ste Croix: *The Class Struggle*, p. 235.

⁶¹ Undoubtedly, however, this author, too, emphasized reproduction as one of the primary sources of obtaining slaves during the period of empire: *Ibidem*, pp. 229–237. The key period here are, in his opinion, the reigns of the Antonines and the Severi: *Ibidem*, p. 236.

⁶² Harper: *Slavery*, p. 70.

⁶³ Jones: *Slavery*, p. 193.

⁶⁴ Harris: *Demography, geography*, p. 70.

This point of view was changed by Walter Scheidel. On the ground of Egyptian census returns and comparison with data concerning slave societies in the New World, Scheidel argued for rather low ratio for manumissions, especially female slaves. He argues that “three-fourths of all slaves would have been born to slaves”.⁶⁵ This way, reproduction was the most important sources of new slaves. Similarly, according to a more recent study by Kyle Harper, the *sex ratio* was influenced by the social stratum to which the slave went: in the estates of the highest strata (which he refers to as the *Illustres* and the *Elite*), men predominated, but the lower down the social hierarchy one went, the more and more women slaves appeared.⁶⁶ The same author noticed that *manumissio* (liberation) procedures were not applied to female slaves at reproduction age.⁶⁷ However, pair mating among slaves was not always seen as a good thing. For example, Emperor Aurelian (270–275 A.D.) was said to have sentenced to death a slave woman “who committed adultery with a fellow slave”.⁶⁸ In terms of the late Empire, slave unions were mentioned by, for instance, historian Ammianus Marcellinus⁶⁹ and sophist of Antioch, Libanios⁷⁰. One can also speculate that, especially on small farms where there was no complex pyramid of authority, slave couples were mated. Sometimes there were also transfers of slaves between such farms⁷¹. It is noteworthy that Emperor Constantine (306–337 A.D.) prohibited by the law placed in *Codex Theodosianus*, II. 25. 1 of 325 the separation of slave families in the case of *res privata* and emphyteuthic estates:

Emperor Constantine Augustus to Gerulus, Fiscal Representative of Three Provinces

⁶⁵ Scheidel: *Quantifying sources*, p. 167.

⁶⁶ Harper: *Slavery*, p. 71.

⁶⁷ *Ibidem*, p. 72; similarly, in reference to the principate: Scheidel, *Quantifying*, pp. 160–161, 166, 167. This point of view is more convincing, than that of Harris: *Demography, Geography*, p. 71. William Harris citing Keith Hopkins and Robin Weaver argues that “female slaves were manumitted at an earlier age than males”.

⁶⁸ Magie (ed.): *Historia Augusta, Aurelianus*, 49.

⁶⁹ Amm. Marc. XXVIII. 1. 49.

⁷⁰ Foerster (ed.): Libanios, *Orationes* (further: Lib., *Or.*), XXV. 67. On unions between free women and slave, free men and slave women see: Grubbs: *Law and Family*, p. 263–283; 300–304; 309–316; Idem: *Women and the Law*, p. 143–145.

⁷¹ Harper: *Slavery*, p. 73. On transfer of slaves between rural estates, Harper refers to Strauss: *L'achat et la vente des esclaves*.

In case of Our patrimonial and emphyteutic estates in Sardinia which were recently distributed among different proprietors, the division of the landholdings ought to have been made in such a way that each entire family of slaves would have remained in the possession of one landholder. For who could tolerate that children should be separated from parents, sisters from brothers, and wives from husbands? 1. Therefore, if any person has separated such slaves and dragged them off to serve under a different ownership, he shall be forced to reunite them under a single ownership. If any person should lack the due number of slaves on account of the restoration of family ties, substitute slaves shall be given in return by the person who has received the aforesaid slaves. 2. Be vigilant, in order that no complaint hereafter may persist throughout the province about the separation of the loved ones of the families of slaves.

Given on the third day before the kalends of May in the year of the consulship of Proculus and Paulinus. April 29, 334; 325.⁷²

It should also not be forgotten that, in the case of a relationship between a free man and a slave woman, in the event of the birth of offspring, the latter inherited the status of the mother.⁷³

In the case of rural slaves, who made up at least half of slave population in the Later Roman Empire and among whom, according to Harper, women were more numerous, liberations were infrequent, while “privacy

⁷² “Imp. Constantinus a. Gerulo rationali trium provinciarum. In Sardinia fundis patrimonialibus vel emphyteuticariis per diversos nunc dominos distributis, oportuit sic possessionum fieri divisiones, ut integra apud possessorem unumquemque servorum agnatio permaneret. Quis enim ferat, liberos a parentibus, a fratribus sorores, a viris coniuges segregari? Igitur qui dissociata in ius diversum mancipia traxerunt, in unum redigere eadem cogantur: ac si cui propter redintegrationem necessitudinum servi cesserunt, vicaria per eum, qui eosdem susceperit, mancipia reddantur. Et invigilandum, ne per provinciam aliqua posthac querela super divisio mancipiorum affectibus perseveret. Dat. iii. kal. mai. Proculo et Paulino coss.”

Interpretatio. In divisione patrimoniorum seu fiscalium domorum sive privatorum observari specialiter debet, ut, quia iniustum est, filios a parentibus vel uxores a maritis, quum ad quemcumque* possessio pervenerit, sequestrari, mancipia, quae permixta fuerint, id est uxor cum filiis et marito suo, datis vicariis, ad unum debeant pertinere, cui necesse fuerit commutare, quod sollicitudo ordinarum debet specialiter custodire, ut separatio fieri omnino non possit.”

⁷³ See for instance: Grubbs: *Law and Family*, pp. 277–283.

was greater⁷⁴, which might have facilitated reproduction. As early as the 1st century AD, Columella in his agricultural treatise assigned lighter duties to female slaves who gave him three children, while he freed those who brought him more numerous offspring:

To women, too, who are unusually prolific, and who ought to be rewarded for the bearing of a certain number of offspring, I have granted exemption from work and sometimes even freedom after they had reared many children. For to a mother of three sons, exemption from work was granted; to a mother of more her freedom as well.⁷⁵

According to Harper, biological reproduction was the main driver of the Roman system of acquiring new slaves.⁷⁶ Surprisingly, it was not difficult. Harper draws these conclusions by analysing a 4th century AD inscription from Thera. This is a *possessor* tax register containing a list of slaves. Among the 152 slaves and female slaves listed in it, we find 119 whose gender we can determine: 63 are women, while 56 are men. This compilation contradicts the thesis about the predominance of men among rural slaves, and shows that the mortality rate among rural slaves (contrary to Harris' earlier claims) was not very high, as well as the inscription may be evidence of reproduction within slave families, without dramatic interference such as buying or selling.⁷⁷ According to Harper, the inscription may show that slaves formed families. Furthermore, according to this author, Diocletian's edict on maximum prices shows that the prices of a male slave and a female slave were quite similar: a male slave aged 16–40 years cost 30 thousand *denarii*⁷⁸, whereas a woman of that age 25 thousand⁷⁹. It also remains an open question whether the price of a slave increased significantly. According to

⁷⁴ Harper: *Slavery*, p. 74.

⁷⁵ Ash (ed.): Columella: *De Re Rustica*, I. 8. 19: "Feminis quoque fecundioribus, quarum in sobole certus numerus honorari debet, otium nonnumquam et libertatem dedimus, cum plures natos educassent. Nam cui tres erant filii, vacatio, cui plures libertas quoque continebat."

⁷⁶ Harper: *Slavery*, p. 78.

⁷⁷ *Ibidem*, pp. 74–76; see also earlier publications by the same author: *Idem: Greek census inscriptions*, pp. 83–119, *passim*.

⁷⁸ Barańska et al. (ed.): *Edictum Diocletiani de pretiis rerum venalium*, 31.1.1a.

⁷⁹ *Ibidem*, 31.1.2.

Jones, compared to Athens (4th century BC.), already in the time of the Principate, a slave was eight–ten times more expensive.⁸⁰ Not everyone shared this opinion. Thus, for example, M. Finley believed that it was impossible to make judgments about the price of slaves over several hundred years on the basis of such sources as Greek and Roman poets, or Petronius' *Satiricon*.⁸¹ Therefore, it is difficult to agree with Jones' view that the price of slaves had increased so much that it did not pay to employ them in unskilled work – both domestic and field – and we find them doing skilled work⁸². Sources from late antiquity suggest their use in both ways.⁸³

SELLING ONESELF INTO SLAVERY. EXPOSURE (ABANDONMENT) OF CHILDREN OR SELLING CHILDREN TO SLAVERY

Another way of acquiring slaves was to supply the slave order due to debt and poverty.⁸⁴ According to Kyle Harper, this phenomenon is “beyond the social blinkers of our sources”.⁸⁵ It was not really the case, which was shown in 1964, by Arnold Hugh Martin Jones with annotation to the historical sources.⁸⁶ Regarding child exposure, according to William Harris, it was one of the most important sources supplying slaves in Rome.⁸⁷ Even up to 20% of children were exposed.⁸⁸ Interestingly, Harris believed that boy slaves were obtained in this way.⁸⁹ This practice intensified in cases of

⁸⁰ Jones: *Slavery*, p. 193–194.

⁸¹ Finley: *Ancient Slavery*, p. 130; similar criticism was expressed by: Garnsey et al.: *The Roman Empire*, p. 98; Garnsey, *Non-slave labour*, p. 142: slave prices rose, but the aristocracy of the imperial period had more purchasing power than the aristocracy of the Republic.

⁸² Jones: *Slavery*, p. 196.

⁸³ There is large evidence in both cases in: Harper: *Slavery*, pp. 103–143.

⁸⁴ MacMullen: *Late Roman Slavery*, p. 248.

⁸⁵ Harper: *Slavery*, p. 79.

⁸⁶ Jones: *The Later*, 854–855 with note 72. He enumerates among others: *CJ.*, VII. 16. 5. *Pall.*, *Hist Laus.*, XXXVII. 2. See also: *Aug., Ep.*, 10*.

⁸⁷ Harris: *Child Exposure*, p. 3.

⁸⁸ *Idem*: *Demography, geography*, p. 74; similarly: Scheidel: *Quantifying*, p. 164: in his model, even 57,000 children were turned into slaves every year Harper: *Slavery*, p. 79–83: child exposure was commonplace and was a stable and integral component of slave acquisition system.

⁸⁹ Harris: *Demography, Geography*, p. 70.

famine or other natural disasters.⁹⁰ The primary reason for child exposure was poverty, among other reasons, one should point to: birth defects, the desire to maintain family property and even gender issues⁹¹ – despite the claims by Harris. In the period of Principate (Early Empire), there was a growing reluctance to the exposure of children.⁹² However, even Lactantius still recommended abstaining from intercourse if one was unable to support a child⁹³ and points out that exposed children ended up as slaves or in brothels⁹⁴. It was not until the 4th century AD that imperial legislation was brought in to abolish the practice. It must also be acknowledged that Constantine legalized the sale of children into slavery, as confirmed by the law: *Codex Theodosianus*, V. 10. 1 of 18 August 329 (= *Codex Iustinianus*, IV. 43. 2).⁹⁵

⁹⁰ Harper: *Slavery*, p. 81.

⁹¹ *Ibidem*, p. 82.

⁹² Harris, *Child Exposure*, p. 19–20.

⁹³ McDonald (ed.): Lactantius, *Divinae Institutiones*, VI. 20. 25.

⁹⁴ *Ibidem*, VI. 20. 22.

⁹⁵ Harper: *Slavery*, p. 400. The text of *CTh.*, V. 10. 1: „Emperor Constantine Augustus to His Italians.

According to the statues of former Emperors, if any person should lawfully acquire a newborn child in any manner and should suppose that he ought to rear such a child, he shall have the right to hold it in the condition of slavery; and if after a series of years any person should bring an action to restore the child to freedom or should defend his right to it as his slave, such claimant shall provide another of the same kind or shall pay a price which can be adequate. 1. For when a person has executed a written instrument and has paid an adequate price, his possession of the slave shall be so valid that he shall have unrestricted power to sell him also for his own debt. Those persons who attempt to contravene this law shall be subject to punishment.

Given on the fifteenth day before the kalends of September at Sofia (Serdica) in the year of the eight consulship of Constantine Augustus and the fourth consulship of Constantine Caesar. August 18, 329; 319.” (Latin text:” Imp. Constant(inus) A. Italis suis. Secundum statuta priorum principum si quis a sanguine infantem quoquo modo legitime comparaverit vel nutriendum putaverit, obtinendi eius servitii habeat potestatem: ita ut, si quis post seriem annorum ad libertatem eum repetat vel servum defendat, eiusdem modi alium praestet aut pretium, quod potest valere, exsolvat. Qui enim pretium competens instrumento confecto dederit, ita debet firmiter possidere, ut et distrahendi pro suo debito causam liberam habeat: poenae subiciendis his, qui contra hanc legem venire temptaverint. Dat. V kal. Septemb. Serdicae Costantino A. VIII et Constantino Caes. IIII cons.”). On the sale of children during the reign of Constantine see also: Paschoud (ed.): Zosimos, II. 38. 3.

Thus, Constantine changed the tradition of the Roman law in which the status of freeborn child was inalienable⁹⁶. Before the reign of Emperor Constantine, those ideas were repeated by the rescripts of the Emperor Diocletian (284–305 A.D.),⁹⁷ and till the victory over Emperor Licinius Constantine did not change his attitude to this problem.⁹⁸

However, by law: *Codex Theodosianus*, XI. 27. 2 of 322 addressed to Menander, *comes per Africam*, Emperor Constantine ordered that poor *provinciales* unable to maintain their children be supported from the funds of the *fiscus* (i.e.: *comes sacrarum largitionum*, CSL):

The Same Augustus to Menander

We have learned that provincials suffering from lack of sustenance and necessities of life are selling or pledging their own children. Therefore, if any such person should be found who is sustained by no substance of family fortune and who is supporting his children with suffering and difficulty, he shall be assisted through Our fisc before he becomes a prey to calamity. The proconsuls and governors and the fiscal representatives throughout all Africa shall thus have the power, they shall bestow freely the necessary support on all persons whom they observe to be placed in dire need, and from the State storehouses they shall immediately assign adequate sustenance. For it is at variance with Our character that We should allow any person to be destroyed by hunger or to break forth to the commission of a shameful deed.

Given on the day before the nones of July at Rome in the year of the consulship of Probianus and Julianus. July 6, 322.⁹⁹

⁹⁶ Harper: *Slavery*, pp. 395–398 with the examples of sources confirming this point of view in notes.

⁹⁷ See for instance: *CJ.*, III. 15.2 of. 294 and Harper: *Slavery*, pp. 397–398.

⁹⁸ Harper: *Slavery*, pp. 398–404.

⁹⁹ “Idem a. Menandro. Provinciales egestate victus atque alimoniae inopia laborantes liberos suos vendere vel obpignorare cognovimus. Quisquis igitur huiusmodi repperietur, qui nulla rei familiaris substantia fultus est quique liberos suos aegre ac difficile sustentet, per fiscum nostrum, antequam fiat calamitati obnoxius, adiuvetur, ita ut proconsules praesidesque et rationales per universam africanam habeant potestatem et universis, quos adverterint in egestate miserabili constitutos, stipem necessariam largiantur atque ex horreis substantiam protinus tribuant competentem. Abhorret enim nostris moribus, ut quemquam fame confici vel ad indignum facinus prorumpere concedamus. Dat. prid. non. iul. Romae Probiano et Iuliano cons.”

Issued probably seven years later, in 329 [MSS 315], the law: *Codex Theodosianus*, XI. 27. 1, addressed to the praetorian prefect Ablavius qualifies child exposure as *parricidium*, murder of a close family member and orders that poor parents be furnished with maintenance from the resources of the *sacrae largitiones* (*fiscus*), or *res privata*:

Emperor Constantine Augustus to Ablavius.

A law shall be written on bronze and on waxed tablets and on linen cloth and posted throughout all the municipalities of Italy, whereby the hands of parents may be restrained from parricide and their hopes turned to the better. Your office shall be constrained to administer this regulation, namely, that if any parent should report that he has offspring which on account of poverty he is not able to rear, there shall be no delay in issuing food and clothing, since rearing of a newborn infant will not allow any delay. For the performance of this task, we command that our fiscal resources and our privy purse shall furnish their service without distinction.

Given on the third day before the ides of May at Nish in the year of fourth consulship of Constantine and Licinius Augustuses. May 13, 315; 329.¹⁰⁰

The law was important insofar as Constantine had reminded harsh penalty of *culeus* for *parricidium* by the law: *Codex Theodosianus*, IX. 15. 1 of March 14, 319.¹⁰¹

¹⁰⁰ “Imp. Constantinus a. ad Ablavium. Aereis tabulis vel cerussatis aut linteis mappis scripta per omnes civitates Italiae proponatur lex, quae parentum manus a parricidio arceat votumque vertat in melius. Officiumque tuum haec cura perstringat, ut, si quis parens adferat subolem, quam pro paupertate educare non possit, nec in alimentis nec in veste impertienda tardetur, cum educatio nascentis infantiae moras ferre non possit. Ad quam rem et fiscum nostrum et rem privatam indiscreta iussimus praebere obsequia. Dat. III id. mai. Naisso Constantino a. IIII et Licinio IIII aa. conss.” Consular dating points to the year 315 (the fourth consulate of Constantine and the fourth consulate of Licinius). Seeck: *Regesten*, p. 54, 179, dated the law to 329. However, recently Harper: *Slavery*, p. 81 footnote 86 dated the law to the year 315.

¹⁰¹ “Imp. Constantinus a. ad Verinum vicarium Africae. Si quis in parentis aut filii aut omnino affectionis eius, quae nuncupatione parricidii continetur, fata properaverit, sive clam sive palam id fuerit enisus, neque gladio, neque ignibus, neque ulla alia solenni poena subiugetur, sed insutus culeo et inter eius ferales angustias comprehensus serpentum contuberniis misceatur et, ut regionis qualitas tulerit, vel in vicinum mare vel in amnem proiciatur, ut omni elementorum usu vivus carere incipiat, ut ei coelum superstiti,

By another law, *Codex Theodosianus*, V. 9. 1 Constantine forbade demanding the return of a voluntarily exposed child if it was raised at the expense of the person who maintained it:

Emperor Constantine Augustus to Ablavius, Praetorian Prefect

If any person should take up a boy or a girl child that has been cast out of his home with the knowledge and consent of his father or owner, and if he should rear this child to strength with his own sustenance, he shall have the right to keep the said child under the same status as he wished it to have when he took charge of it, that is, as this child or as a slave, whichever he should prefer. Every disturbance of suits for recovery by those persons who knowingly and voluntarily cast out from home newly born children, whether slaves or free, shall be abolished.

Given on the fifteenth day before the kalends of May at Constantinople in the year of the consulship of Bassus and Ablavius. April 17, 331.¹⁰²

The law implies that the person who reared the exposed child could decide their status, while the father of the exposed child cannot claim their freedom;¹⁰³ however, as William Harris notes, unlike Constantine's earlier legislation, the cited law does not treat exposure as a *parricidium*.¹⁰⁴ A complete prohibition of child exposure had to wait until 374, which was related to the fact that child exposure was a deeply rooted phenomenon

terra mortuo auferatur. Dat. XVI. kal. dec. Licinio V. et Crispo c. coss. Acc. prid. id. mart. Karthagine, Constantino a. v. et Licinio c. coss.

Interpretatio. Si quis patrem matrem, fratrem sororem, filium filiam aut alios propinquos occiderit, remoto omnium aliorum genere tormentorum, facto de coriis sacco, qui culeus nominatur, in quo quum missus fuerit, cum ipso etiam serpentes claudantur: et si mare vicinum non fuerit, in quolibet gurgite proiciatur, ut tali poena damnatus nullo tempore obtineat sepulturam." Datation of Seeck: *Regesten*, p. 167: 16. November 318.

¹⁰² "Imp. Constantinus a. ad Ablavium pf. p. Quicumque puerum vel puellam proiectam de domo, patris vel domini voluntate scientiaque, collegerit ac suis alimentis ad robur provexerit, eundem retineat sub eodem statu, quem apud se collectum voluerit agitare, hoc est sive filium sive servum eum esse maluerit: omni repetitionis inquietudine penitus summovenda eorum, qui servos aut liberos scientes propria voluntate domo recens natos abiecerint. Dat. xv. kal. mai. Constantinopoli, Basso et Ablavio coss".

¹⁰³ Harris: *Child-exposure*, p. 20–21.

¹⁰⁴ *Ibidem*, p. 20 n. 181.

in society.¹⁰⁵ The law: *Codex Iustinianus* VIII. 51. 2, dated to 5 March 374, provided as follows:

Emperors Valentinian, Valens and Gratian Augusti to Probus, Praetorian Prefect.

Everyone must support his own offspring. But if, he anyone thinks about exposing them, he will be subject to the established legal punishment. But we give no right to reclaim to master or patrons if those they have exposed to death are taken up by (someone displaying) a merciful compassion; for he will not be able to claim as his own a child he despised while it was perishing.

Given March 5, in the consulship of Gratian Augustus, for the third time, and Equitius (374).¹⁰⁶

The custom of exposing children did not disappear, being, for instance, still common in Italy¹⁰⁷, so undoubtedly new slaves continued to be obtained in this way in subsequent centuries, although the Church began to play a role in caring for such individuals¹⁰⁸. The problem still remained, however, as evidenced by Justinian's legislation. From the constitution *Codex Iustinianus* VIII. 51. 3 of 529, it results that exposed children should be treated as a freeborn, not slaves. The law states:

Emperor Justinian Augustus to Demosthenes, Praetorian Prefect.

If a small boy has been exposed, whether he was born of free-born parents or is of freedman extraction or is tainted by the status of the slave, We ordain that no one be permitted to claim him as his property, whether as a slave, as a bound tenant, or as a free tenant; nor may those who undertake to rear such children raise them with any distinction whatsoever. But those

¹⁰⁵ Ibidem, p. 21.

¹⁰⁶ "Imperatores Valentinianus, Valens, Gratianus. Unusquisque subolem suam nutrit. Quod si exponendam putaverit, animadversioni quae constituta est subiacebit. 1. Sed nec dominis vel patronis repetendi aditum relinquimus, si ab ipsis expositos quodammodo ad mortem voluntas misericordiae amica collegerit: nec enim dicere suum poterit, quem pereuntem contempsit. Valentin. Valens et Grat. AAA. Ad Probum PP. III non mart. Gratiano A. III et Equitio cons. (374)".

¹⁰⁷ Schenkl (ed.): Ambrosius Mediolanensis: *Hexaemeron*, V. 18.

¹⁰⁸ Harris: *Child-exposure*, p. 22.

who take them up in order to nourish them are also granted no permission whatsoever – with some exception – to raise them and arrange their training, whether they are male or female, in order to hold them either as freedmen or slaves or tenants or ascribed. 1. Children raised or reared or brought up by such people shall without any distinction, be considered free and free – born and may acquire property and leave all that they have to their posterity or to outside heirs as they wish, marked with no stain of servitude or of ascribed or tenant status. Nor shall those who have taken them up or take them up in the future be allowed to pretend to any rights of patronage, as it were; but over the entire territory subject to the Roman rule, these ordinances apply. 2. For it is not right that persons who at the start expelled infants and perhaps had hopes of death for them, (and were) left uncertain if anyone took them up, (subsequently) try to recall them once more and subject them to slavery. Nor are those who took them up out of compassion to be heard if they change their minds again and reduce them to slavery, even though they restored to this after having it in mind from the start, lest in this way they seem to perform an act of dutifulness for money. 3. Both the *virī clarissimi* provincial governors and the most revered bishops shall uphold these provisions, along with the governors' offices and the Senators and the Defenders of Cities and every civil resource.

Given September 17, at Chalcedon, in the consulship of the *vir clarissimus* Decius (529).¹⁰⁹

¹⁰⁹ “Imperator Justinianus. Sancimus nemini licere, sive ab ingenuis genitoribus puer parvulus procreatus sive a libertina progenie sive servili condicione maculatus expositus sit, eum puerum in suum dominium vindicare sive nomine domini sive adscripticiae sive colonariae condicionis: sed neque his, qui eos nutriendos sustulerunt, licentiam concedi penitus (cum quadam distinctione) eos tollere et educationem eorum procurare, sive masculi sint sive feminae, ut eos vel loco libertorum vel loco servorum aut colonorum aut adscripticiorum habeant.

1. Sed nullo discrimine habito hi, qui ab huiusmodi hominibus educati sunt, liberi et ingenui appareant et sibi adquirant et in posteritatem suam vel extraneos heredes omnia quae habuerint, quomodo voluerint, transmittant, nulla macula vel servitutis vel adscripticiae aut colonariae condicionis imbuti: nec quasi patronatus iura in rebus eorum his qui eos susceperunt vel susceperint praetendere concedi, sed in omnem terram, quae romanae ditioni supposita est, haec obtinere.

2. Neque enim oportet eos, qui ab initio infantes abegerunt et mortis forte spem circa eos habuerunt, incertos constitutos, si qui eos susceperunt, hos iterum ad se revocare conari et servili necessitati subiugare: neque hi, qui eos pietatis ratione suadente sustulerunt, ferendi sunt denuo suam mutantēs sententiam et in servitutem eos retrahentes,

The issue of children sold into slavery is also addressed by the law from the times of Emperor Valentinian II, *Codex Theodosianus*, III. 3. 1 of 391:

Emperors Valentinian, Theodosius and Arcadius Augustuses to Tatianus, Praetorian Prefect.

All those persons whom the piteous fortune of their parents has consigned to slavery while their parents thereby were seeking sustenance shall be restored to their original status of free birth. Certainly, no person shall demand repayment of the purchase price, if has been compensated by the slavery of a freeborn person for a space of time that is not too short.

Given on the fifth day before the ides of March at Milan in the year of the consulship of Tatianus and Symmachus. March 11, 391.¹¹⁰

This constitution returned to the ideas of the inviolability of the status of freeborn children, which was deeply rooted in the Roman law. The practice of selling children into slavery continued in the Ostrogothic state in Italy, as evidenced by a letter from King Atalaric (526–534 a.d.) to Severus, governor (*corrector*) of Lucania and Bruttium.¹¹¹

licet ab initio huiusmodi cogitationem habentes ad hoc prosiluerint, ne videantur quasi mercimonio contracto ita pietatis officium gerere.

3 . Haec conservantibus tam viris clarissimis praesidibus provinciarum quam viris religiosissimis episcopis nec non officii praesidalibus et patribus et defensoribus civitatum et omni civili auxilio. Iust. A. Demostheni pp., XV k. Oct. Chalcedone Decio vc cons. (529).”

¹¹⁰ “Imppp. Valentinianus, Theodosius et Arcadius aaa. Tatiano pf. p. Omnes, quos parentum miseranda fortuna in servitium, dum victum requirit, addixit, ingenuitati pristinae reformatur. Nec sane remunerationem pretii debet exposcere, cui non minimi temporis spatio satisfecit ingenuus. Dat. v. id. mart. Mediolano, Tatiano et Symmacho coss.”

¹¹¹ O’zóg et al. (eds.): Cassiodorus, *Variae*, VIII. 33.4: “praesto sunt pueri ac puellae diverso sexu atque aetate conspicui, quos non fecerit captivitas esse sub pretio, sed libertas: hos merito parentes vendunt, quoniam de ipsa famulatione proficient. Dubium quippe non est servos posse meliorari, qui de labore agrorum ad urbana servitia transferentur.”

NATURE OF SLAVE LABOUR

The prevailing view in the older historiography, expressed on the example of Roman Africa by the eminent French historian Stephane Gsell, was that slaves were plentiful in the countryside and dominated even medium-sized estates.¹¹² Was this really so?

In the Later Roman Empire slaves remain tied to agriculture. Such a picture can be found in the *Letters* of St. Jerome, among others. He notes the loss of slaves by one of his correspondents in Dalmatia as a result of barbarian invasions.¹¹³ However, Ramsay MacMullen has already noted that in Noricum, for example, slaves appear as overseers rather than as work force in the fields.¹¹⁴ Mac Mullen noted the same thing in Africa based on Augustine's letters: slaves appear in the context of domestic labour.¹¹⁵ Thus, for example, MacMullen concludes that in Roman Africa, field work remained the domain of the peasantry.¹¹⁶ I will return to the issue of the role of slaves in rural estates.

In the Late Roman Empire, we most often see slaves in the context of domestic labour.¹¹⁷ As Harper notes, slaves who did not participate in the production process were personal slaves.¹¹⁸ Such a slave stayed close to their master, also sleeping close to him¹¹⁹; woke up their master in the morning,

¹¹² Gsell: *Esclaves ruraux*, pp. 397– 415.

¹¹³ Hilberg (ed.): Hieronymus, *Epistulae* (further: Hier., *Ep.*), 118. 2, but from the content of the letter we can't determine the nature of work of the said slaves: domestic or agricultural. On the person of addressee see: Martindale, *The Prosopography*, p. 637, s.v. *Ivillianus* 3, a letter dated to 407, the addressee is *vir clarissimus*. According to the editor of volume II of *The Prosopography of the Later Roman Empire* he should be identified with *Ausonius 1* (Ibidem, p. 202) in the rank of *tribunus et notarius*; see: Teitler, *Notarii et exceptores*, p. 117.

¹¹⁴ MacMullen: *Late Roman Slavery*, p. 236.

¹¹⁵ Ibidem, p. 241; in reference to Augustine, a quote by: Chadwick: *The New Letters*, p. 433. But in case of the large rural estates MacMullen admitted, that: "the really large private work forces (...) must have included not only overseers and servants but some proportion of field hands" (MacMullen: *Late Roman Slavery*, p. 240).

¹¹⁶ MacMullen: *Late Roman Slavery*, p. 240; tighter: tenants, see: Lenski: *Peasant and Slave*, p. 127–142.

¹¹⁷ Harper: *Slavery*, p. 100, 102.

¹¹⁸ Ibidem, p. 105: *consumption items*.

¹¹⁹ Foerster (ed.): Libanius, *Epistulae* (further: Lib., *Ep.*), 615.

and assisted him in washing and dressing¹²⁰, as well as accompanying him when he left the house; they were their master's shadow, *pedisequus*.¹²¹ According to *Confessiones* by St. Augustine, *pedisequus* even assisted their owner in thefts¹²² Furthermore, students of Libanios appeared at the famous sophist's school accompanied by their own slaves.¹²³

Household slaves oversaw the combing the hair of the master or mistress, writing letters, delivering them, and satisfying their sexual needs.¹²⁴ Libanios, in his *Oration XXV*, describes the slave's tasks as follows: serving the owner at feasts and baths, washing their clothes, harnessing the cart and eating the leftovers after them.¹²⁵

The historian Ammianus Marcellinus (4th century AD) reports on Roman aristocrats who went to the bath accompanied by many slaves as aides:

[...] they were [...] followed by a throng of slaves drawn up in troops, amid noise and confusion. When such men, each attended by fifty servants, have entered the vaulted rooms of a bath, they shout in threatening tones: "Where on earth are our attendants?"¹²⁶

¹²⁰ Harper: *Slavery*, p. 105.

¹²¹ *Ibidem*.

¹²² Pussey (ed.): Aurelius Augustinus, *Confessiones*, VI. 9. 14–15: „Before the door was a boy so young as to be likely, not apprehending any harm his master, to disclose the whole. For he had attended his master to the marketplace. [...] and being further questioned, he discovered everything.”; Latin text: “puer uero erat ante ostium et tam paruus erat, ut nihil exinde dommino suo metuens facile possunt indicare; cum eo quippe in foro fuit pedisequus [...] deinde interrogates aperuit cetera” (p. 130).

¹²³ Foerster (ed.): Lib., *Or.*, XXIII. 23: slaves and servants accompanied Libanios' students attending his rhetoric school (in *Or.*, XXIII, written during the rebellion in Antioch in 387, Libanios complains about the outflow of pupils from his school, in the quoted passage notes that none of the Antiochenes bothered any of his students, or their servants or slaves); Lib., *Or.*, XXV, 50: slaves carry on their shoulders the books of the students attending the lectures of the sophist.

¹²⁴ MacMullen: *Late Roman Slavery*, p. 248.

¹²⁵ Lib., *Or.* XXV. 28. Preparing meals as a slave's duty appears in Parmentier (ed.): Theodoretus: *Historia Ecclesiastica* (further: Theod., *H.E.*), V. 19.

¹²⁶ Amm. Marc., XXVIII. 4. 8–9: “praegresso [...] cogentes, manipulatim concitato fragore sequitur multitudo servorum. Tales ubi comitantibus singulos quinquaginta ministris tholos introierint balnearum, “ubi sunt nostri?” minaciter clamant.”

Libanios also writes about slaves who carried their master in a sedan chair.¹²⁷ His writings show that it was gossiped in the bath if one met someone who arrived without a slave.¹²⁸ Having many slaves as servants was a status symbol. One had to meet this condition in order to be included into the upper classes.¹²⁹ Aristocrats, in particular, had a large stock of slaves who were mainly concerned with providing commodities to their owner.¹³⁰ On the other hand, owning a small number of slaves, such as one, two or three, was indicative of poverty or sanctity.¹³¹ Sulpicius Severus reports, for example, that Martin of Tours, being a soldier, owned only one slave.¹³²

Here is another passus from Ammianus, on the same subject, at the same time being an overview of the tasks of slaves in the houses of the Roman aristocracy:

[...] certain persons hasten without fear of danger through the broad streets of the city and over the upturned stones [...] dragging after them armies of slaves like bands of brigands [...]. And many matrons, imitating them, rush about through all quarters of the city with covered heads and in closed litters. And skilful directors of battles place in the van dense throngs of brave soldiers, then light-armed troops, after them the javelin-throwers, and last of all the reserve forces, to enter the action in case chance makes it needful, just so those who have charge of a city household, made conspicuous by wands grasped in their right hands, carefully and diligently draw up the array; then, as if the signal had been given in camp, close to the front of the carriage all the weavers march; next to these the blackened service of the kitchen, then all the rest of the slaves without distinction, accompanied by the idle plebeians of the neighbourhoods; finally, the throng of eunuchs

¹²⁷ Lib., *Or.*, XXV. 32.

¹²⁸ Foerster (ed.): Libanios, *Declamationes*, XXVI. 19.

¹²⁹ MacMullen: *Late Roman Slavery*, pp. 245–246, 248.

¹³⁰ Harper: *Slavery*, p. 104; Harris: *Demography, Geography*, p. 70: *commodity*; Similarly, Garnsey: *Ideas of Slavery*, p. 2: they increase the owner's status due to their presence and numbers.

¹³¹ MacMullen: *Late Roman Slavery*, p. 242; Duncan-Jones: *City population*, p. 88 in reference to the Antonine period: "it would seem very niggardly for a man of substantial means to travel with a single slave."

¹³² Haim (ed.): Sulpicius Severus: *Vita Martini*, 2.5.

beginning with the old men and ending with the boys, sallow and disfigured by the distorted form of their members [...].¹³³

As it turns out, it was weaving and preparing meals. These two spheres appear as the most important tasks of domestic slaves.¹³⁴ Among qualified slaves, on the other hand, we encounter: medics¹³⁵, teachers¹³⁶, notaries¹³⁷. According to Harper, Symmachus's letters are full of references to slaves as secretaries handling the delivery of letters.¹³⁸ The duties of the domestic

¹³³ Amm. Marc., XIV. 6. 16–17: “illuc transiturus quod quidam per ampla spatia urbis subversasque silices [...], familiarium agmina tamquam praedatorios globos post terga trahentes [...]. Quos imitatae matronae complures opertis capitibus et basternis per latera civitatis cuncta discurrunt. 17 Utque proeliorum periti rectores primo catervas densas opponunt et fortes, deinde leves armaturas, post iaculatores ultimasque subsidiales acies, si fors adegerit, iuvaturas, ita praepositis urbanae familiae suspensae digerentibus sollicitate, quos insignes faciunt virgae dexteris aptatae velut tessera data castrensi iuxta vehiculi frontem omne textrinum incedit: huic atratum coquinae iungitur ministerium, dein totum promiscue servitium cum otiosis plebeiis de vicinitate coniunctis: postrema multitudo spadonum a senibus in pueros desinens, obluridi distortaque lineamentorum conpage deformes [...]”

¹³⁴ Harper: *Slavery*, p. 108. Preparing food: Lib., *Or.*, XXV. 28; Amm. Marc., XIV. 6. 16–17; as mentioned above, also Theod., *H. E.*, V. 19.

¹³⁵ Nowak et al. (ed.): Ambrosius Mediolanensis, *Epistulae*, 56; *CJ.*, VII. 7. 1: the price of slave-medic (*medicus*) was 60 solids; Harper: *Slavery*, p. 110.

¹³⁶ Lib., *Ep.* 734: Seleucus gifted to Libanios slaves, among whom there was a slave-pedagogue (“a certain old man presented himself to me from whom he was coming and that he was bringing slaves as a gifts. The gift didn't seem to me to be unusual, for I have many things of yours, and, in fact, the fellow who serves as pedagogue to my illegitimate son is still called, even today, ‘Seleucus slave’” (transl.: S. Bradbury). The letter dated to July/August 362 was addressed to Seleucus's wife, Alexandra. For more about Seleucus, see: Jones et al.: *The Prosopography*, pp. 71–718 s.v. *Seleucus 1*: took part in the preparations of Julian's Persian expedition conducted in the province of Euphratensis, also became high priest of Cilicia, counted among the *ex-comitibus*, after Julian's death, he was persecuted as his close friend; see also Harper: *Slavery*, p. 110.

¹³⁷ *CJ.*, VII. 7. 1. 5a of 530: the price of a slave-notary (*notarius*) may have been up to 50 solids („notarius quidem usque ad quinquaginta”); Amm. Marc., XVIII. 3.2: “a maid-servant skilled in a cryptic writing” (“ancilla adscita notarum perita”).

¹³⁸ Harper: *Slavery*, p. 105–106. In this case, however, I must say that in the correspondence of Symmachus they appear as *tabellarii* – letter deliverers, the Roman senator says nothing about their status, see: Callu (ed.): Symmachus, *Epistulae* (further: *Symm., Ep.*) *Ep.*, I. 11; I. 13; I. 16; I. 57; I. 87; II. 48; II. 54; III. 4; III. 28; III. 30; IV. 28; V. 33; V. 61; V. 88; VII. 16; VIII. 32 9. I will also add that serving as *tabellarius* they did not have to be slaves. Similarly, it is not certain that that Symmachus's representative Castor, active in

slaves of the female Roman aristocrats were similar: the slaves also slept near the aristocrats, while upon awakening, the slaves helped prepare perfume, and powdered their faces.¹³⁹ According to some sources, they were eunuchs.¹⁴⁰ Female slaves were also often used as wet-nurses.¹⁴¹ In private estates, we also encounter female slaves who practiced weaving.¹⁴²

In Rome itself, slaves were used for craft work and the production of goods, although the number of inscriptions attesting to this declined in the late 2nd and early 3rd century.¹⁴³ Domestic slaves lived in incomparably better conditions than those who worked in the fields and were basically family members.¹⁴⁴ Slaves were also used in commercial transactions, as the 6th century AD historian Procopius of Caesarea, among others, informs us. We read about the Homerite ruler Abram, about whom Procopius writes:

Now this Abramus was a Christian, but a slave of a Roman citizen who was engaged in the business of shipping in the city of Adulis in Aethiopia.¹⁴⁵

Campania (Symm., *Ep.*, VI. 9 and VI. 180) and Euscus, who travelled to Sicily (Symm., *Ep.*, VI. 33; VIII. 68; IX. 4–5) were slaves, as claimed by Kyle Harper. Euscus also appears in Symmachus's other letters, see: Symm., *Ep.*, VI. 42; VI. 66; VIII. 7; IX. 30 and IX. 152. Marcone: *Commento storico al libro VI*, p. 106 considers him simply Symmachus's representative in Sicily. On the other hand, as noted by Roda: *Commento Storico all libro IX*, p. 97, Symmachus wrote to a person named Zenodorus (Symm., *Ep.*, VI. 25a) and Auxentius (*Ep.*, IX. 3 i IX. 5). regarding Euscus. Roda identifies Zenodorus with Fl. Hadrianus Hierius Zenodorus, *corrector Lucaniae et Bruttium*. If Euscus had been a slave, he probably would not have been recommended to such renowned figures as Zenodorus. Roda: *Commento storico al libro IX*, p. 100: characterizes Euscus as Symmachus's "un segretario private", whereas on p.102 as: „Euscus: uomo di fiducia di Simmaco”.

¹³⁹ Harper: *Slavery*, p. 106 with references to the sources.

¹⁴⁰ Which is also admitted by Harper: *Slavery*, p. 106; examples: Platnauer (ed.): Claudianus, *In Eutropium*, I. 105–109, eunuchs: Hier., *Ep.*, 22. 16 and 22. 32: eunuchs surrounding female aristocrats; Hier., *Ep.*, 66.13: eunuchs in the milieu of Eustochium and Paula.

¹⁴¹ Harper: *Slavery*, p. 109–111.

¹⁴² Symm., *Ep.*, VI. 67: *interea domina filia, honoratum me optimo lanificii tui monumento satis gaudeo...*

¹⁴³ MacMullen: *Late Roman Slavery*, p. 243, 380 footnote 69 contains literature to confirm that claim.

¹⁴⁴ Garnsey et al.: *The Ancient Society*, p. 141.

¹⁴⁵ Dewing (ed.): Procopius: *Bella*. I. 20. 4–5; also, from *Historia Lausiaca* we find out that *negotiatores* owned numerous slaves: Pall.: *Hist. Laus.*, XIV. 1.

We also find slaves who belong to the imperial fiscus (*servi fiscali*)¹⁴⁶, slaves belonging to the emperor's *res privata* serving at *fundi patrimoniales*, or emphyteutical estates¹⁴⁷, urban slaves (*servi civitatis*).¹⁴⁸ Slaves also made up the staff of state-owned weaving factories subordinate to the imperial fiscus and *comes sacrarum largitionum*, as mentioned above.

A separate issue is the participation of slaves in agriculture. Interestingly, in rural estates, we see them mainly in administrative roles: they manage the farm organize the labour force, etc.¹⁴⁹, undoubtedly, the work of managing and maintaining such an estate was among the most difficult.¹⁵⁰ Ramsay MacMullen's observed that slaves cannot be said to dominate large-scale production in rural areas.¹⁵¹ Coming back to the administration of the estate, it should also be added that in large rural estates there was a multi-level hierarchy, also concerning slaves. At its head was the *procurator*: he controlled the estate¹⁵², appointed his own representatives and represented the master in court.¹⁵³ He was responsible for all the matters concerning the administration of landed estate and taxes¹⁵⁴ and munera bestowed on them¹⁵⁵, as well as private properties in the cities, towns, villages and for-

¹⁴⁶ *CTh.*, IV. 12.3 of 320 (?); IV. 12.5 of 362.

¹⁴⁷ *Ibidem*, IV. 12. 3.

¹⁴⁸ *Ibidem*, IV. 12. 5. Generally, on using of public slaves in the late antique cities see: Lenski: *Servi Publici*.

¹⁴⁹ MacMullen: *Late Roman Slavery*, p. 248.

¹⁵⁰ Harper: *Slavery*, p. 107.

¹⁵¹ MacMullen: *Late Roman Slavery*, p. 249.

¹⁵² See for instance: *CTh.*, IX. 42. 20 of 24. 09. 408: forfeiture of the estates of Stilicho and his allies: procurators of those estates should seize even crops from those estates.

¹⁵³ *CTh.*, II. 12: "De cognitoribus et procuratoribus" (*passim*); II. 17.1 of 30. 05. 321 [324]: *procuratores* of a young *honorati* (senators, *perfectissimi*, equites, *navicularii*) as its representatives; Mommsen et al. (ed.): *Novellae Valentiniani* (further: *NVal.*), XXXV.1 of 15. 04. 542 of *procuratores* as representatives of bishops in criminal cases.

¹⁵⁴ *CTh.*, XIII. 11. 3 of 15.06. 392 (*data Constantinopoli*): *peraequatores censuum* coming to the landed estates during absence of its *procurator*. In the Western Empire in the 5th century *procurator* should be present in landed estate during the journey of governor of the province presiding the trials and collecting taxes: *Novellae Majoriani* (further: *NMaj.*), II. 1 of 11. 03. 458. *CTh.*, XI. 7. 16 of 13. 06. 401 addressed to praetorian prefect of Italy and Africa Hadrianus: delinquent taxes not delivered by the *actores* and *procuratores* of private estates.

¹⁵⁵ See for instance: *Ibidem*, VII. 2. 5 of 24. 03. 404 concerning *excoctio bucellatum* and *translatio annonae*. Procurators of private estates tried to omit fulfilling of those

tresses (*civitates, municipia, vicos, castella*)¹⁵⁶. It should be noted that, while during the Principate procurators generally became free men or freedmen, during the Late Empire, they were very often freedmen or slaves.¹⁵⁷ Some of them not only conducted financial transactions on behalf of their owner, but also owned, as part of the *peculium*, their own slaves.¹⁵⁸ On the other hand, in African estates, *procuratores* represented their master, who usually resided in Italy.¹⁵⁹ *Procurator of curialis* could take part in *concilium provinciae* instead of his retired master and deliver his opinion.¹⁶⁰ Some of the *procuratores* represented such influential figures that their activities had to be watched by the governors of the province, so that they would not commit any illegal acts against *inferiores*.¹⁶¹

Procuratores and other administrators: *actores* (also slaves) allowed themselves to harbour recruits¹⁶² and brigands with the law in their administered estates, as shown in *Codex Theodosianus*, IX. 29. 2 of February 27, 383.¹⁶³ From the already cited *Constitutio Sirmondiana*, 16 (= *Codex*

obligations; IX. 30. 5 of 31. 12. 399: prohibition on using of the horses by shepherds from provinces Valeria and Picenum.

¹⁵⁶ *Ibidem*, XI. 20. 3 of 5. 10. 400 [405]: *horreis balneis ergasteriis tabernis domibus cenaculis, salinis*.

¹⁵⁷ Harper: *Slavery*, p. 121; *CTh.*, XII. 1. 92 of 23. 10. 382: prohibition on drafting *procuratores* from *ordo decurionum* because of *infamissima vilitas* and *servili obscundatio* of procuratorship. With the law: *Novellae Theodosiani*, IX. 1 of 7. 04. 439 this prohibition was enlarged on the lease of landed estate by decurion, because in the eyes of lawgiver it was a kind of procuratorship. More cautious: Lenski: *Peasants and Slaves*, p. 120.

¹⁵⁸ Harper: *Slavery*, p. 127

¹⁵⁹ *CTh.*, XI. 1. 13 *data* 18. 10. 365; see: Harper: *Slavery*, p. 121. On the other hand: *CTh.*, XIV. 17. 1 of 19. March. 370: *procuratores* and *actores* – overseers of the estates were responsible for acquiring *panis gradilis* for senators who established their domicile in Rome. Some of those procurators and overseers received *panis gradilis* for unauthorized senators.

¹⁶⁰ *Ibidem*, XII. 12.13 of 18.10. 408.

¹⁶¹ *Ibidem*, I. 16. 14 of 25.11. 408.

¹⁶² *Ibidem*, VII. 13. 21 of 30. 01. 416, 403.

¹⁶³ “Emperors Gratian, Valentinian, and Theodosius Augustuses to Flavianus, Praetorian Prefect.

(After other matters.) If any person should knowingly harbour brigands or neglect to deliver them to the courts, either corporal punishment shall be inflicted upon him or the forfeiture of his property, according to the rank of the person and at the discretion of the judge. But if an overseer or procurator should harbour a brigand without the

Theodosianus, V. 7. 2 of December 3, 408), addressed to the praetorian prefect Theodorus, it appears that the *procuratores* and *actores* kept in the estates administered by them prisoners of war bought out from barbarian captivity, who, after reimbursement of the repurchase costs, or after they had worked five years, were granted their freedom:

If any overseer, chief tenant, or procurator should attempt to resist this ordinance, he shall not doubt that he will be consigned to the mines, and he shall suffer the punishment of deportation.¹⁶⁴

At the end of the 4th and beginning of the 5th century, we encounter in the *Theodosian Code* many regulations threatening *procuratores* of landed estates with severe penalties if they permitted them to gather a group of heretics and perform their rituals.¹⁶⁵

Some *procuratores* and *actores* even cohabited with free women. This is shown in the law *Codex Theodosianus*, IV. 12. 5 of 362. According to the *Senatusconsultum Claudianum* (52 A.D., Emperor Claudius), a woman who was warned three times by the owner of the slave with whom she was in a relationship was threatened with the loss of her status as a free person. From the law cited below, it was apparent, however, that its provisions did not extend to slaves owned by the *fiscus* (*servi fiscales*) and belonging to cities (*servi civitatum*):

knowledge of his master and neglect to deliver him to the judge, he shall be consumed by avenging flames.

Given on the third day before the kalends of March in the year of the second consulship of Merobaudes and the consulship of Saturninus, February 27, 383; 391.” (Latin text: “Imppp. Gratianus, Valentinianus et Theodosius aaa. ad Flavianum pf. p. Post alia: latrones quisquis sciens susceperit vel offerre iudiciis supersederit, supplicio corporali aut dispendio facultatum pro qualitate personae et iudicis aestimatione plectatur. Si vero actor sive procurator latronem domino ignorante occultaverit et iudici offerre neglexerit, flammis ultricibus concremetur. Dat. III. kal. mart. Merobaude II. et Saturnino coss.”). Another law: *Codex Theodosianus*, VII. 18. 8, issued on the same date, shows similar treatment in case of deserters.

¹⁶⁴ “Si quis itaque huic praecepto fuerit conatus obsistere actor, conductor procuratorque, dari se metallis cum poena deportationis non ambigat.”

¹⁶⁵ See for instance: *CTh.*, XVI. 5. 21 of 15. 06. 382; XVI. 5. 34 of 4. 03. 398; XVI. 5. 36 of 6. 06. 399; XVI. 5. 44 of 22. 02. 407; XVI. 5. 52 of 30. 01. 412; XVI. 5. 57 of 31. 10. 415; XVI. 5. 65 of 30. 05. 428; XVI. 6. 4 of 12. 02. 405.

Emperor Julian Augustus to Secundus, Praetorian Prefect.

We decree that the Claudian Decree of the Senate shall be valid and all imperial constitutions issued contrary to it shall be completely annulled, so that if a free woman should cohabit with a procurator or overseer of a private citizen or with any other man contaminated by servile status, she shall not otherwise forfeit her freedom and be constrained by the bond of the lowest status, unless she has been warned according to law with three formal notifications.

1. This regulation must be observed with reference to privately owned slaves, for we decree that the authority of this imperial sanction does not apply at all to those women who unite with fiscal or municipal slaves.

Given and posted in the Forum of Trajan on the eighth day before the ides of December in the year of the consulship of Mamertinus and Nevitta. December 6, 362.¹⁶⁶

The quoted law is a continuation of the earlier constitution placed in *Codex Theodosianus*, IV. 12. 3 issued by Constantine in 320 (?), which gave children born of such a union the status of not slaves, but *spuria* – illegal children or Latins (*Latini*).¹⁶⁷ *Procuratores* are also found among those who fled into the ranks of the Christian clergy in the hope of improving their fate, as stated in the law: *Codex Theodosianus*, IX. 45. 3 of July 27, 398:

¹⁶⁶ “Imp. Iulianus a. Secundo praefecto praetorio. Senatusconsultum Claudianum firmum esse censemus omnibus constitutionibus, quae contra id latae sunt, penitus infirmatis, ut libera mulier, sive procuratori sive actori privato sive alii cuilibet servili conditione polluto fuerit sociata, non aliter libertate amissa nexu condicionis deterrimae adstringatur, nisi trinis fuerit denuntiationibus ex iure pulsata. Quod quidem circa privatas personas convenit observari; nam eas mulieres, quae fiscalibus vel civitatis servis sociantur, ad huius sanctionis auctoritatem minime pertinere sancimus. Dat. et proposita in foro Traiani viii id. dec. Mamertino et Nevitta cons. (362 dec. 6).”

¹⁶⁷ “Subolem vero, quae patre servo fiscali, matre nascetur ingenua, mediam tenere fortunam, ut servorum liberi et liberarum spurii latini sint, qui, licet servitutis necessitate solvantur, patroni tamen privilegio tenebuntur. Quod ius et in fiscalibus servis et in patrimoniorum fundorum originariis et ad emphyteuticaria praedia et qui ad privatarum rerum nostrarum corpora pertinent servari volumus.” Eventually, the provisions of these laws were revoked, first, in 365, with regard to the *gynecearii*, i.e. the staff of the weaving manufactures under the CSL (*CTh.*, X. 20. 3 of 28. 06. 365), and in 380 in relation to *monetarii*, which was the personnel of state mints, also supervised by CSL (*Ibidem*, X. 20. 10 z 14. 05. 380. *NVal.* 31. 6 of 451 confirmed the provisions of *senatusconsultum Claudianum*: a child of a free woman who had been warned three times and a slave, became a slave).

The same Augustuses to Eutychianus, Praetorian Prefect, If, in the future, any slave, maidservant, decurion, public debtor, procurator, collector of purple dye fish, or anyone, finally, who is involved in public or private accounts should take a refuge in the church, and if he should be either ordained a cleric or defended in any way by clerics and if he should not be returned to his former condition immediately by the issuance of a summons, decurions, indeed, and others who are called by a customary function to the duty that they owe shall be recalled to their former lot by the energy and wisdom of the judges, as if by forcible seizure [...].¹⁶⁸

Other terms describing administrators of the landed estates used in sources from that period are: *actores* and *villici*. In case of constitution *Codex Theodosianus*, I. 16. 14, in the main text of the law, we find term *procurator*, while in *interpretatio* a replacement: *actor*. However, mostly *actores* were enumerated along with *procuratores*.¹⁶⁹ According to Kyle Harper, the *actores* administered the estate, sometimes even on the financial side, while the *vili-cus* focused on organizing labour on the land.¹⁷⁰ According to Finley, *actores* administered estates of the area below 200 *jugera*, which is about 50 ha.¹⁷¹ In one of his letters, St. Jerome orders the young female aristocrat to stay away from the administrators, so as to avoid suspicion of illicit sexual relations.¹⁷²

¹⁶⁸ „Idem aa. Eutychiano praefecto praetorio. Si quis in posterum servus ancilla, curialis, debitor publicus, procurator, murilegulus, quilibet postremo publicis privatisve rationibus involutus ad ecclesiam confugiens vel clericus ordinatus vel quocumque modo a clericis fuerit defensatus nec statim conventionione praemissa pristinae conditioni reddatur, decuriones quidem et omnes, quos solita ad debitum munus functio vocat, vigore et sollertia iudicantium ad pristinam sortem velut manu mox iniecta revocentur [...]”

¹⁶⁹ See for instance: *Codex Theodosianus*, II. 30. 2; II. 31. 1; II. 32. 1; V. 7. 2; VI. 2. 16; VII. 18. 8; IX. 15.1; IX. 29. 2; IX. 30. 2; X. 4; XII. 1. 6; XII. 1. 179; XVI. 5. 40; *Sirm. 16 Novellae Majoriani*, II. 1 and VII. 1).

¹⁷⁰ Harper: *Slavery*, p. 122. However, this point of view is hard to maintain analyzing laws from *Theodosian Code*. An actor can punish corruptible *metator* (*CTh.*, VII. 8. 10 of 12. 06. 413), is responsible for *munera* which fell on the estate administered by him (*Ibidem*, XV. 3.3 of 26. 02. 387), as well paying the taxes (see for instance: *Ibidem*, XI. 1. 14 of 1. 05. 372 or 374; *Ibidem* XI. 7. 16 of 13. 01. 401).

¹⁷¹ Finley: *Ancient Slavery*, p. 136. Nonetheless, *actores* also sometimes administered several estates, sometimes distant from each other, in the absence of their owners in the estate this could cause problems, see: Symm., *Ep.*, IX. 6.

¹⁷² Hier., *Ep.*, 79. 9. Similarly, in *Ep.* 54.13, he warns a young widow of aristocratic origin not to have contacts with *procurator calamistratus*.

The constitution included in: *Codex Theodosianus*, VII. 18. 2 of July 2–5, 379 shows that *actores* controlled estates and other slaves, as did *procuratores*; it has already been mentioned that, like *procuratores*, *actores* were able to hide fugitives in administered estates. In this case, they were evaders from military service.¹⁷³

Actores, like *procuratores*, controlled the accounts of the estate and could conduct financial transactions. A whole series of laws addressed to the praetorian prefect John later Emperor of the West (423–425), who was never recognized as a legitimate ruler by the Eastern Empire, are devoted to this subject. A law placed in *Codex Theodosianus*, II. 31. 1 of July 11, 422 addressed to him, states that: “A slave, colonus, chief tenant, procurator, or overseer” of a landholding could borrow money without the knowledge of

¹⁷³ “Emperor Gratian, Valentinian and Theodosius Augustuses to Hesperius, Praetorian Prefect.

If a non-resident, either a person suitable for military service or a person who has already been given as a recruit, should be hiding in an estate, the overseer of the estate should be consumed by the supreme penalty of the flames. Meanwhile, it shall be sufficient that We have issued this regulation; for if the threat of punishment decreed against slaves should not be effective enough, such a threat intended to correct the crime shall then be decreed against their masters. Given on the sixth day before the nones of July at Aquileia in the year of the consulship of the Most Noble Auxonius. July 2–5, 379.” (Latin text: “Imppp. Gratianus, Valentinianus et Theodosius AAA. ad Hesperium praefectum praetorio. Actor eius fundi, in quo alienigena vel idoneus militiae vel ante iam traditus latuerit, ultima flammaram animadversione consumatur. Hoc interim nos constituisse sufficiat, nam si parum profecerit in servos interminatio constituta, in dominos peccatum deinceps emendatura decernet. Dat. VI non. iul. Aquileia Auxonio et Olybrio vv cc cons. (379 iul. 2/5).” The quoted law talks about *fundus* – which means a very large estate. It demonstrates that the terminology concerning estate administrators is diverse. There is no clear identification: *procurator* – administrator of a large estate, *actor* – administrator of a smaller one. Other constitutions concerning the recruits or deserters harboring by *procuratores* and *actores*: *CTh.*, VII. 18. 5 of 16. 01. 381 addressed to the praetorian prefect Neoterius and *CTh.*, VII. 18. 8 of 27. 02. 383 [?391] addressed to PPO Flavianus, while *CTh.*, VII. 18. 4 of 15. 07. 380, VII. 18. 6 of 2. 04. 382 VII. 18. 7 (deserters and brigands) of 12. 07. 383; VII. 18. 12 of 25. 07. 403 mention only overseers – *actores*. In the 5th century *actores* are mentioned in *NVal.*, VI. 1 of. 20. 03. 440). Another law by the said emperor (*NVal.*, VI. 2 of 25. 05. 443) charged overseers with the *munus tironum congregandorum* on the territory of *Italia Suburbicaria*. On the other hand, *procuratores* and *actores* harboured curiales who fled from the cities and city councils: *NMaj.*, VII. 1 of 6. 11. 458. A law from the epoch of Emperor Constantine, *CTh.*, XII. 1. 6 of 1. 07. 319 informs that *procuratores* and *actores* of landed estates allowed for unions between decurions and slave women. Those *procuratores* and *actores* should be sent into the mines (“metallo”).

the estate owner. However, the owner of the estate had to repay it only when it was taken with his knowledge. The same issue is addressed in law: *Codex Theodosianus*, II. 32.1 of July 11, 422, also addressed to John.¹⁷⁴

On the other hand, from the law: *Codex Theodosianus*, II. 30. 2, dated July 11, 422, also addressed to the PPO John, it follows that *actores* and *procuratores* even entered into contracts for loans against pledged property. The law specified that such contracts were valid only if they were entered into with the knowledge of the property owner:

Emperors Honorius and Theodosius Augustuses to Johannes, Praetorian Prefect.

(After other matters). No person shall create an obligation on landed estate except a person who can legally obligate them. That no legal disadvantage can be imposed upon a landholding by a slave, procurator, colonus, overseer or chief tenant without the knowledge or consent of the owner is a rule continually harped upon by the authorities of the law and the statues (Etc.).

Given on the ides of July at Ravenna in the year of the thirteenth consulship of Honorius Augustus and the tenth consulship of Theodosius Augustus. July 11 (15), 422.¹⁷⁵

¹⁷⁴ “Emperors Honorius and Theodosius Augustuses to Johannes, Praetorian Prefect.

(After other matters) This remedy also We do not deny to creditors, namely, that if an overseer, slave, or procurator of landed estates should be found to be unobligated in the accounts which he manages, an adapted action for payment from his peculium shall be available (Etc.)

Given on the fifth day before the ides of July at Ravenna in the year of the thirteenth consulship of Our Lord Honorius Augustus and the tenth consulship of Our Lord Theodosius Augustus, July 11, 422.” (Latin text: “Impp. Honorius et Theodosius aa. Ioanni pf. p. Post alia: hoc quoque creditoribus non negamus, ut, si liber a rationibus fuerit, quas regebat, inventus actor, servus procuratorve praediorum, utilis actio pateat de peculio etc. Dat. v. id. iul. Ravenna, Honorio xiii. et Theodosius x. aa. coss.”).

¹⁷⁵ “Impp. Honorius et Theodosius aa. Ioanni pf. p. Post alia: nexum non faciat praediorum nisi persona, quae iure potuit obligari. Per servum autem vel procuratorem, colonum vel actorem seu conductorem praeiudicium possessioni invito vel inscio domino imponi non posse, et iuris et legum auctoritatibus decantatur etc. Dat. v. id. iul. Ravenna, Honorio xiii. et Theodosius x. aa. coss.” I would also add that even ordinary slaves represented their master in financial transactions, as shown in the law: *CJ*, IV. 25. 6 of 18. 11. 294 issued by Diocletian and Maximian. On the use of slaves in commercial transactions, see also: Garnsey et al.: *The Roman Empire*, pp. 82, 142.

Actores and *procuratores* managing the estates were also responsible for tax payments. We find them paying offertory gold (*aurum oblativum*) on behalf of their masters, who were senators, as stated in the law *Codex Theodosianus*, VI. 2. 16 of September 14, 395, and serving the *comparatio specierum* (*synone*) – sale of the commodities for the state at fixed prices.¹⁷⁶

* * *

The presented data confirms the existing hierarchy and strict division of slave duties with regard to the estates of the aristocracy and the wealthiest individuals. However, as was stated by Harper, the lower we go down the social ladder, the wider range of responsibilities associated with an individual slave.¹⁷⁷ Similarly, the smaller the estate, the more blurred the differences between the tasks of male and female slaves.¹⁷⁸

To sum up my article: modern historiography observes the emergence of different types of acquisitions of slaves which were independent from external wars. Most modern authors have agreed that probably most new slaves were acquired from the interior of the Empire, by means of reproduction and the rearing of abandoned children. Cross-border slave trade was well organized, too. The role of slaves in the Roman economy had evolved from the times of Roman Republic, and they were not main work force on the fields. We observe them as domestic labourers, craftsmen and as managers of the rural estates.

NIEWOLNICTWO W PÓŹNYM CESARSTWIE RZYMSKIM

ZARYS PROBLEMATYKI

STRESZCZENIE

W artykule przedstawiono główne wątki dyskusji naukowej o niewolnictwie w okresie późnego Cesarstwa Rzymskiego. Podjęto temat liczebności niewolników oraz sposobów zdobywania nowych. Niewolników pozyskiwano z zewnątrz cesarstwa, a także poprzez zniewolenie nowych osób na jego terenie. Z zasady niewolnikami były dzieci niewolnych rodziców. Bieda i popadnięcie w długi niekiedy również skutkowały wprowadzeniem w stan niewolny: sprzedawano

¹⁷⁶ *CTh.*, XI. 15. 1 of May 3, 361.

¹⁷⁷ Harper: *Slavery*, p. 102.

¹⁷⁸ Idem: *Greek census inscriptions*, p. 103; Idem: *Slavery*, p. 138–139.

siebie i osoby bliskie (szczególnie dzieci). Zniewalano także porzucone dzieci. W materiałach źródłowych niewolnicy są przedstawiani głównie jako wykonawcy prac domowych, w przypadku majątków wiejskich często jako administratorzy (*procuratores* i *actores*). W końcowej części artykułu przedstawiono najważniejsze zadania niewolnych administratorów majątków ziemskich.

SKLAVEREI IM SPÄTEN RÖMISCHEN KAISERREICH

EIN ÜBERBLICK

ZUSAMMENFASSUNG

In dem Beitrag wurden Hauptthemen der wissenschaftlichen Diskussion über die Sklaverei im späten Römischen Reich dargestellt. Besprochen wurden die Fragen der Anzahl der Sklaven sowie des Erwerbs der neuen Unfreien. Sklaven wurden von außerhalb des Reiches sowie durch die Versklavung weiterer Menschen innerhalb des Reiches beschafft. In der Regel wurden auch Kinder unfreier Eltern versklavt. Armut und Verschuldung führten manchmal auch zur Sklaverei: Man hat sich selbst und nächste Verwandten (insbesondere Kinder) verkauft. Auch verlassene Kinder wurden versklavt. In den Quellenmaterialien werden Sklaven vor allem als Hausangestellte dargestellt, bei Landgütern häufig auch als Verwalter (*procuratores* und *actores*). Im letzten Teil des Textes werden die wichtigsten Aufgaben unfreier Gutsverwalter vorgestellt.

Übersetzt von Renata Skowrońska

SLAVERY IN THE LATE ROMAN EMPIRE

OUTLINE OF THE PROBLEM

SUMMARY

The article presents the main threads of the academic discussion about slavery in the late Roman Empire. The topic of the number of slaves and ways of acquiring new ones was discussed. Slaves were obtained from outside the empire, as well as by enslaving new people within its territory. As a rule, slaves were the children of unfree parents. Poverty and falling into debt sometimes also resulted in slavery: oneself and loved ones (especially children) were sold. Abandoned children were also enslaved. In the source materials, slaves are presented mainly as domestic workers, and in the case of rural estates, often as administrators (*procuratores* and *actores*). The final part of the article presents the most important tasks of unfree estate administrators.

SŁOWA KLUCZOWE / SCHLAGWORTE / KEYWORDS

- późne Cesarstwo Rzymskie; niewolnictwo; populacja niewolników; niewolnicy domowi; niewolnicy wiejscy; nadzorcy
- Spät römisches Reich; Sklaverei; Sklavenbevölkerung; Haussklaven; Landsklaven; Aufseher
- Later Roman Empire; slavery; slave population; domestic slaves; agricultural slaves; overseers

BIBLIOGRAFIA / BIBLIOGRAFIE / BIBLIOGRAPHY

ŹRÓDŁA DRUKOWANE / GEDRUCKTE QUELLEN / PRINTED SOURCES

- Ash, Harrison Boyd (ed.): *Columella: On Agriculture*, 1–4. 1. 1941.
- Barańska, Agnieszka / Barański, Piotr / Janiszewski, Paweł (ed.): *Edictum Diocletiani de pretiis rerum venalium. Edykt Dioklecjana o cenach towarów wystawionych na sprzedaż*. 2007.
- Bradbury, Scott (ed.): *Selected Letters of Libanius from the Age of Constantius and Julian*. 2004.
- Butler, Harold Edgeworth / Owen, Arthur Synge (ed.): *Apuleius sive pro se de magia liber*. 1914.
- Cagnat, René / Schmidt, Johannes / Dessau, Hermann (ed.): *Corpus Inscriptionum Latinarum*, VIII, 3. 1904.
- Callu, Jean-Pierre (ed.): *Symmaque: Correspondance*, 3. 2003.
- Callu, Jean-Pierre (ed.): *Symmaque: Lettres*, 1–2, 4. 1972–2002.
- Dewing, Henry Bronson (ed.): *Procopius: History of the Works*. 1. 1914.
- Foerster, Richard (ed.): *Libanius: Declamationes XIII–XXX*. 1911.
- Foerster, Richard (ed.): *Libanius: Epistulae*. 1921–1922.
- Foerster, Richard (ed.): *Libanius: Orationes XII–XXV*. 1904.
- Frier, Bruce (ed.): *The Code of Justinian*, 1–3. 2016.
- Goldbacher, Alois (ed.): *Aurelius Augustinus: Operum sectio II: S. Augustini Epistulae*. 1898.
- Halm, Carl Felix (ed.): *Sulpicius Severus: Opera*, 1. 1966
- Hilberg, Isidor (ed.): *Sancti Eusebii Hieronymii Epistulae*, Pars 1 and 2. 1910, 1912.
- Kalinkowski, Stefan / Starowiejski, Marek (ed.): *Palladiusz: Opowiadania dla Lausosa (Historia Lausiaca)*. 1996.
- Knöll, Pius (ed.): *Aurelius Augustinus: Confessionum libri XIII*. 1896.
- Krueger, Paul (ed.): *Codex Iustinianus*. 1892.
- Leppin, Hartmut / Portmann, Werner (ed.): *Themistios: Staatsreden*. 1998.
- Magie, David (ed.): *Historia Augusta*. 1996.
- Małunowiczówna, Leokadia (ed.): *Libanios: Wybór mów*. 2006.
- McDonald, Mary Francis (ed.): *Lactantius: The Divine Institutes*, Books I–VII. 1920.
- Mommsen, Theodor / Meyer, Paul Martin (eds.): *Leges Novellae ad Theodosianum pertinentes*. 1905.

- Mommsen, Theodor / Meyer, Paul Martin (eds.): *Theodosiani Libri XVI cum constitutionibus Sirmondianis*. 1905.
- Nixon, Charles Edwin Vandervord / Rodgers, Barbara Saylor (ed.): *In Praise of Later Roman Emperors: The Panegyrici Latini*. 1994.
- Norman, Albert Francis (ed.): *Libanius: Selected Works*, 2. 1977.
- Nowak, Polikarp / Naumowicz, Józef (ed.): *Ambroży z Mediolanu: Listy (36–69)*, 2. 2003.
- Ożóg, Monika / Pietras, Henryk (eds.): *Cassiodorus Senator: Variarum (I–XIII)*. 2017.
- Parmentier, Léon (ed.): *Theodoretus: Kirchengeschichte*. 1911.
- Paschoud, François (ed.): *Zosime: Histoire Nouvelle*, 1. 2003.
- Pharr, Clyde (ed.): *The Theodosian Code and Novels and Sirmondian Constitutions*. 1952.
- Platnauer, Maurice Henry (ed.): *Claudian*, 1. 1922.
- Pusey, Edward Bouverie (ed.): *The Confessions of St. Augustine*. 1907.
- Rampolla del Tindaro, Mariano (ed.): *Sancta Melania giuniore senatrice romana*. 1905.
- Rolfe, John Carew (ed.): *Ammianus Marcellinus*, 1–3. 1982–1986.
- Sainton, Anthony (ed.): *Expositio totius mundi et gentium*. 1972.
- Salzman, Michelle Renee / Roberts, Michel (ed.): *Symmachus: The Letters*, 1. 2011.
- Schenkl, Karl (ed.): *Ambrosius Mediolanensis: Opera*. 32. 1. 1896.
- Seeck, Otto (ed.): *Quinti Aurelii Symmachii quae supersunt*. 1883.
- Willmans, Gustav (ed.): *Corpus Inscriptionum Latinarum*, 8. 1. 1881.

LITERATURA / LITERATUR / LITERATURE

- Brunt, Peter Astbury: *Italian Manpower 225 B.C–14 A.D.* 1971.
- Brunt, Peter Astbury: *Social Conflicts in the Roman Republic*. 1971.
- Calderone, Salvatore: *Enchiridion fontium ad res romanas saec. IIII inlustrandas*. 1970.
- Chadwick, Henry: *The New Letters of St. Augustine*, in: *The Journal of Theological Studies*, 34. 1983, pp. 425–452.
- Ciccotti, Ettore: *Il tramonto della schiavitù nel mondo antico*. 1899.
- Cracco-Ruggini, Lellia: *Sicilia III/IV secolo*, in: *Kokalos*, 28–29. 1982–1983, pp. 477–515.
- De Martino, Francesco: *Il colonato fra economia e diritto*, in: Momigliano, Arnaldo / Schiavone, Aldo (ed.): *Storia di Roma*, III/1. 1993, pp. 789–822.
- De Ste Croix, Geoffrey Ernest Maurice: *The Class Struggle in the Ancient Greek World. From the Archaic Age to The Arab Conquest*. 1981.
- Duncan-Jones, Richard: *City Population in Roman Africa*, in: *The Journal of Roman Studies*, 53. 1963, pp. 85–90.
- Evans-Grubbs, Judith: *Law and Family in Late Antiquity. The Emperor Constantine's Marriage Legislation*. 2003.
- Evans-Grubbs, Judith: *Women and the Law in the Roman Empire. A Sourcebook on Marriage, Divorce and Widowhood*. 2005.
- Finley, Moses: *Ancient Slavery and Modern Ideology*. 1983.
- Finley, Moses: *The Ancient Economy. Updated Edition with a Foreword by Ian Morris*. 1999.
- Garnsey, Peter / Saller, Richard: *The Roman Empire. Economy, Society and Culture*. 2014.
- Garnsey, Peter: *Ideas of Slavery from Aristotle to Augustine*. 2001.
- Garnsey, Peter: *Non Slave Labour in Graeco Roman World. Essays in Social and Economic*

- History*, in: Garnsey, Peter: *Cities, Peasants and Food in Classical Antiquity. Essays in Social and Economic History*. 2004, pp. 134–150.
- Garnsey, Peter: *Peasants in Ancient Roman Society*, in: Garnsey, Peter: *Cities, Peasants and Food*, pp. 91–106.
- Gsell, Stéphane: *Esclaves ruraux dans l'Afrique Romaine*. 1932, pp. 397–415.
- Harper, Kyle: *Greek census inscriptions of the Late Antiquity*, in: *The Journal of Roman Studies*, 98. 2008, pp. 83–119.
- Harper, Kyle: *Slavery in the Late Roman World a.d. 275–425*. 2011.
- Harris, William Vernon: *Child Exposure in the Roman Empire*, in: *The Journal of Roman Studies*, 84. 1994, pp. 1–22.
- Harris, William Vernon: *Demography, Geography and Sources of Roman Slaves*, in: *The Journal of Roman Studies*, 89. 1999, 62–75.
- Harris, William Vernon: *Towards a Study of the Roman Slave Trade*, in: *Memoirs of the American Academy in Rome*, 36: *The Seaborne Commerce of Ancient Rome: Studies in Archaeology and History*. 1980, pp. 117–140.
- Jones, Arnold Hugh Martin / Martindale, John Robert / Morris, John (ed.): *The Prosopography of the Later Roman Empire*, 1. 1971.
- Jones, Arnold Hugh Martin: *Slavery in the Ancient World*, in: *The Economic History Review* N.S., 9/2. 1956, pp. 185–199.
- Lenski, Noel: *Captivity, Slavery and Cultural Exchange between Rome and the Germans from the First to the Seventh Century CE*, in: Cameron, Catherine M. (ed.): *Invisible Citizens. Captives and their Consequences*. 2009, pp. 80–109.
- Lenski, Noel: *Peasant and Slave in Late Antique North Africa, c. 100–600 CE*, in: Lizzi Testa, Rita (ed.): *Late Antiquity in Contemporary Debate*. 2017, pp. 113–155.
- Lenski, Noel: *Servi Publici in Late Antiquity*, in: Krause, Jens-Uwe / Witschel, Kristian (ed.): *Die Stadt in der Spätantike – Niedergang oder Wandel? Akten des internationalen Kolloquiums in München am 30. und 31. Mai*. 2003. 2006, pp. 335–357.
- Lenski, Noel: *Violence and the Roman Slave*, in: Riess, Werner / Fagan, Garret George (ed.): *The Topography of Violence in Graeco-Roman World*. 2016, pp. 276–298.
- Lo Cascio, Elio: *Considerazioni sul numero degli schiavi e sulle loro fonti di approvvigionamento in età imperiale*, in: Suder, Wiesław (ed.) *Études de démographie du monde gréco-romain*. 2002. pp. 51–65.
- Lo Cascio, Elio: *Leconomia dell'Italia Romana nella testimonianza di Plinio*, in: Lo Cascio, Elio: *Crescita e declino*, pp. 115–138.
- Lo Cascio, Elio: *La proprietà della terra, i precettori dei prodotti e della rendita*, in: Lo Cascio, Elio: *Crescita e declino. Studi di storia dell'economia romana*. 2009, pp. 19–71.
- MacMullen, Ramsay: *Late Roman Slavery*, in: MacMullen, Ramsay: *Changes in the Roman Empire. Essays in the Ordinary*. 1990, pp. 236–249.
- MacMullen, Ramsay: *The Roman Social Relations, 50 B.C to A.D. 284*. 1974.
- Marcone, Arnaldo: *Commento storico al libro VI dell'Epistolario di Quinto Aurelio Simmaco*. 1983.
- Martindale, John Robert: *The Prosopography of the Later Roman Empire*, 2. 1980.
- Roda, Sergio: *Commento Storico all libro IX dell'epistolario di Quinto Aurelio Simmaco*. 1981.

- Scheidel, Walter: *Measuring, Sex, Death and Age in the Roman Empire. Explorations in Ancient Demography*. 1996.
- Scheidel, Walter: *Quantifying the Sources of Slaves in the Early Roman Empire*, in: *The Journal of Roman Studies*, 78. 1997, pp. 156–169.
- Seeck, Otto: *Regesten der Kaiser und Päpste für die Jahre 311 bis 476 n. Chr. Vorarbeit zu einer Prosopographie der christlichen Kaiserzeit*. 1919.
- Strauss, Jean: *L'achat et la vente des esclaves dans l'Égypte romaine. Contribution papyrologique à l'étude de l'esclavage dans une province orientale de l'empire Romain*. 2004.
- Teitler, Hans Carel: *Notarii et exceptores. An inquiry into role and significance of shorthand writers in the imperial and ecclesiastical bureaucracy of the Roman Empire (from early principate to c. 450 A.D.)*. 1985.
- Vera, Domenico: *La Vita Melaniae Iunioris, fonte fondamentale per la storia economica e sociale della tarda antichità*, in: Vera, Domenico: *Fisco – annona – mercato. Studi sul tardo impero Romano*. 2020, pp. 359–378.
- Whittaker, Charles Richard / Garnsey, Peter: *Rural life in the later Roman empire*, in: Cameron, Averil, Garnsey, Peter (ed.): *The Cambridge Ancient History. 13: The Late Empire, A.D. 337–425*. 1998. pp. 277–311.