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Economic and Legal Minorization in the Late Roman Empire on the Example of Late Roman Colonate

The paper deals with the issue of the economic and legal minorization in Late Antiquity, or in another words, it deals with the processes of losing both the legal rights and economic wellbeing. The main focus of this paper is on the people under the Late Roman colonate. The coloni were among those, that were most definitely under the influence of minorization. The evidence presented in the paper suggest that in the Late Roman Empire the coloni were gradually losing their economic and legal status, often with the help of the powerful landlords, that sought to increase their own influence, sometimes even on the expense of other social groups, that lived in the Roman countryside.

Keywords: Late Roman Empire, Late Antiquity, Late Roman economy, colonate, great estates, Late Roman agriculture, minorization

Economic and legal minorization, or in another words, the process that leads certain groups of people into the poverty and to lose various legal rights can be found in many periods of history. Some might even argue that the mechanism behind economic and legal minorization is still recognizable in multiple areas of today's world. The Late Roman Empire, or in a broader sense Late Antiquity, was not different in this respect.

Late Antiquity was a turbulent time, full of changes that eventually led Antiquity into the Middle Ages. Thus, it is not wrong to consider the Late Antiquity to be, as many historians put it, one of the most important transitive periods in human history. But of course, such general statements are often a part of a historical narrative, allowing us to understand and describe the past reality more precisely. In fact, it is now generally accepted that the transformation into the Middle Ages de-

pended heavily upon geography. However, it is indisputable that Late Antiquity is very rich period to study, with many topics to focus on, as is demonstrated by many scholars who base their research in Late Antiquity.¹ The issue of minorization is one of them.

Unfortunately, it would be far beyond the scope of this paper to study minorization in respect to the whole of Late Roman society. Therefore, it is necessary to detail the scope of research to a single social group among Roman society, in which the processes of minorization can be found. For the purpose of this paper, such a group is going to be identified in the Late Roman colonate.

Historiography of the great estates and the colonate

The Roman colonate has been discussed quite often by the historians of Late Antiquity since the beginning of the 20th century. The studies were usually conducted in conjunction with topics about socio-economic conditions on the great estates or in the Roman countryside as a whole. Another aspect the authors took interest in was the evident deterioration in the legal status of *coloni*. Despite the many studies about the topic, there is still some ambiguity in questions regarding even some of the basic elements of the colonate.

In the early 20th century, the emergence of the great estates and the changes in the institution of the colonate were often seen as a stepping stone towards the feudalization of society. For example, in his study about Byzantine Egypt, Gelzer saw the estates as basically proto-feudal domains.² Another early 20th century scholar, Harold Idris Bell, believed that the increasing authority of the landowning magnates together with gradual binding of the workforce to the land led not only to feudalization, but also evidently worsened the living conditions of the peasantry.³ Similar opinions were shared in the now classic monograph of E. R. Hardy about large estates.⁴

¹ A. K. BOWMAN, P. BROWN, A. CAMERON, G. HALSALL or S. MITCHELL to name just a few scholars dealing with Late Antiquity. For the historiography of Late Antiquity see for example the introductions of CAMERON (2014), MAYER (2009) and MITCHELL (2015).

² GELZER (1909).

³ BELL (1917: 103).

⁴ HARDY (1931).

This view somewhat changed in the forties. One of the first scholars to disagree with the notion of massive pauperization of the Late Roman countryside was Germaine Rouillard. While she also pointed out the appearance of the large estates and semi-servile peasants, the evidence from the Roman Egypt suggested the existence of a financially secured populace not only among the landowners but also among the tenants.⁵ Similar ideas were adopted by Johnson and West in their noteworthy study *Byzantine Egypt: Economic Studies*.⁶

In the second half of the 20th century, the image of conditions in the Late Roman Empire was rehabilitated considerably. And this was not just on the subject of living conditions of the common people, but also in the matter of overall cultural importance, as can be seen in Peter Brown's *The World of Late Antiquity*.⁷ But for the purpose of this paper, it is much more important to mention the research done on the nature of the Late Roman colonate by the J. M. Carrié. He argued that the Late Roman colonate emerged due to the fiscal reasons after Diocletian's reforms. Sadly, it is not possible to go into detail in regard to Carrié conclusions, but in short, he believed that the relationship between the landowner and his workforce was to a large extent a fiscal one. In that case, the conclusions about coloni being a semi-servile class would be questionable.⁸

Carrié also explored the utility landowners with their large estates could provide to the Roman state; however, these concepts about the great estates serving as a helpful institution for the purposes of Roman government has been further developed by a French scholar, Jean Gascou. He has basically claimed that the great estates served as a semi-public establishments helping the Roman government with local administration and even with maintaining public order, as the private armed retinues of landowners were also seen as semi-official in character. Then

⁵ More about her results e.g. ROUILLARD (1953).

⁶ JOHNSON–WEST (1949); their study influenced many of the later authors, especially those who dealt with the prosperity of common rural populace, e.g. KEENAN (1975), KEENAN (1980) and MACCOUL (1993).

⁷ BROWN (1971).

⁸ For his results see CARRIÉ (1983) and CARRIÉ (1997).

the coloni could see in their landlords not as some kind of feudal lord but more likely an official responsible for collecting their taxes.⁹ Gasco's model has served as an inspiration for many scholars and has received usually positive feedback¹⁰ and even those who largely criticize his conclusions, for example Banaji,¹¹ do not deny the importance of Gasco's work.

When discussing the historiography of great estates including the coloni, it is important to mention the debate about the economic prosperity of the estates. As I have already mentioned, in the early 20th century there was a prevailing belief that the great estates were economically regressive. On the other hand, in the second half of the 20th century this belief was replaced by a theory seeing the ancient economy in general as a primitive one. In another words, the supporters of this argumentation believed that the farmers or even the estate owners were not able to plan ahead of time rationally in order to maximize their profits.¹² Some revisions of this concept appeared at the end of the 20th century, especially thanks to the work of Dominik Rathbone in his book *Economic Rationalism and Rural Society in Third-Century AD Egypt*.¹³ Because of his thorough study of what is known as the Heroninos archive, he was able to determine that the economy of the great estates was highly monetized and the internal accounts showed evidence of economic planning. Nonetheless, Rathbone was still uncertain whether economic rationality survived after the 3rd century AD in Roman Egypt. This uncertainty was rejected by the works of more recent authors like Robert Mazza, Jairus Banaji or Peter Sarris. They have concluded that the economy of the great estates was highly monetized even after the third century and that there a lively market both for land and labour existed.¹⁴ Thus the notion

⁹ GASCOU (1985).

¹⁰ For one of the more important works of authors agreeing with GASCOU see for example KAPLAN (1992).

¹¹ For more about BANAJI's opinions regarding GASCOU's work see BANAJI (2001).

¹² Among the supporters of these opinions one can find for example FINLEY (1985), or for the more recent work regarding the great estates of Late Antiquity see HICKEY (2001) or KEHOE (2003: 711–721).

¹³ RATHBONE (1991).

¹⁴ BANAJI (1997), BANAJI (2001), MAZZA (2001) and SARRIS (2006).

about a rapid decline in the rationality of economic thinking in the Late Roman Empire was already debunked by the aforementioned authors.

The ideas behind the economic prosperity of great estates of course even influenced the research done on the well-being of the agricultural populace of Roman countryside. This also included the workforce of such estates that often consisted of the people under the Roman colonate. At the end of the 20th century and at the beginning of the new millennium, the tendency appeared to somewhat reconcile with the Gascoû's model, which has already been explained in the paper, at least as far as the legal and economic status of coloni is concerned. The dependence of workforce upon the landowners was often ascribed to fiscal reasons, but overall, there seemed to be no clear signs of the great estate's landlords achieving some kind of economic or social dominance, especially not at the expense of said workforce.¹⁵

However, the situation remains much more complicated and some of the more recent studies have already found issues with those conclusions. The willingness of the Roman State to make great estates and their respective landowners into some kind of a semi-official institutions is questionable. On the other hand, it might be much more plausible to say that the Roman State just reacted to what was already common practice in order to make the most out of it. Even the issues regarding Roman colonate appear to be much more complex and it is not possible to simply ascribe their apparent worsening living conditions to fiscal needs. While fiscal matters stood as one of the factors in the development of the Late Roman colonate, there were other reasons for it as well, for example the increasing influence of the great estate owners on the local level of different Roman provinces. These are going to be explained further in the paper.

On the shortcomings of methodology

The complexity of the issue of Roman colonate is also partially caused by some methodological difficulties. The people who are described as coloni typically came from the lower classes of Roman society. The historical research done on the subjects concerning lower social classes is

¹⁵ BAGNALL (1993), WARD-PERKINS (2000).

always accompanied by some particular problems that are mostly connected with primary sources available to us. It is important to realize that the authors of the vast majority of the preserved written sources came from the elites rather than the commoners. On top of that, they were written for high society, so the information provided by such texts must be interpreted carefully with the authors' persona always in mind.¹⁶

In the last couple of decades archaeologists have made considerable progress in their research of the Late Roman countryside. However, until relatively recently archaeologists naturally focused on monumental remains like churches or residences of influential figures. As such, the archaeology of the agrarian economy, or more specifically the archaeology of great estates, was often neglected. But to be fair, archaeologists keen on conducting research on such topics need to overcome several difficulties. Probably the most serious is the fact that the places where the agricultural aristocracy of the Late Roman Empire wanted to establish their estates were in locations with favourable climatic conditions for agriculture. Unfortunately for archaeology, such places were often densely populated, and they have often remained so to this day. That has inevitably led to the destruction of much of the archaeological material from the time of the Late Roman Empire in these areas. This is the main reason why we have more agricultural archaeological and even epigraphical material of the Late Roman Empire available to us from the locations that are not among the most important for the historians of the Roman great estates and the colonate.¹⁷ In addition, conclusions of archaeological research must always be consulted with other sources, es-

¹⁶ The somewhat unflattering image of the peasantry was evident in the literary works of the educated minority from antiquity to the modern times. For example, in the 5th century, the bishop Synesius of Cyrene portrayed the peasants of the Cyrenaica with the help of an anecdote as being somewhat foolish – KINGSLEY (2003, 116). In the Byzantine period, we can find similar lines in the *History of George Akropolites*, where he belittles a certain Constatine Margarite as a peasant born of peasants, capable only of grunting – Akropol. *Hist.* 297 (§60). However, picturing the peasants in a negative way appeared even in later periods and especially in the early modern age. See DÜLMEN (2005).

¹⁷ SARRIS (2006, 118).

pecially when dealing with social or economic history. As such, archaeology is invaluable in finding out, for example, the borders of the great estates or what level of material culture was available for the inhabitants of the estate. But it does not provide us answers if we ask who the inhabitants of these estates were. Whether it was free farmers, tenants or possibly slaves managed directly by estate owners.¹⁸ For the abovementioned reasons this paper will deal mostly with textual sources. The archaeological research will be taken into consideration through the works of historians that have already put the archaeological research of the Roman agricultural countryside into the context.

The development of the Roman colonate

The complexity of the issue concerning Roman colonate is also partially caused by its terminological ambiguity¹⁹ and by the fact that the whole colonate as an institution developed over time. It was as late as in the reign of the emperor Justinian that the legislation on the topic of coloni was united. Before that there were considerable differences in the legal status of coloni, which could also vary based on the laws that were promulgated in certain provinces.

While the terms used to describe coloni or tenants in general appeared in legal and other textual sources even before the 4th century and as early as in the period of Late Republic when the term was used with the meaning of tenants,²⁰ the first law that can be linked to the Late Roman colonate that was characterized mainly by binding the coloni to the land was very likely the law of Constantine's published in 332 AD:

Imp. Constantinus A. ad provinciales. Apud quemcumque colonus iuris alieni fuerit inventus, is non solum eundem origini suae restituat, verum super eodem capitationem temporis agnoscat. Ipsos etiam co-

¹⁸ For more information about the limits of archaeology, see for example SODINI (2003, 28).

¹⁹ Apart from the more specific terms used in this paper, the coloni were often called simply with words that originally meant common peasants like the greek *georgoi*. This was true especially for the papyri, but it appeared even in the Justinian Novels – BANAJI (2001, 187).

²⁰ SIRKS (2008, 122).

lonos, qui fugam meditantur, in servilem conditionem ferro ligari conveniet, ut officia quae liberis congruunt, merito servilis condemnationis compellantur implere.²¹

This particular law was enacted *ad provinciales*, therefore it is possible it was not applied universally over the whole Roman Empire at that time.²² Later in the 4th century more laws regarding the *coloni* appeared, most of them hinting at the deteriorating legal status of *coloni*. Thus, the other laws for example prohibited them from pretending to be free men²³ or simply forbade them to leave the land they worked upon.²⁴

Another law states that the *coloni* could not freely dispose of their property without the knowledge of their landowner.²⁵ However, it is essential to notice that this law was aimed at the group of *coloni* hiding under the term *coloni adscripticii*. These, together with the *coloni iuris alieni* who were the main concern of the above-mentioned law by Constantine, can be described by the general label of bonded *coloni* who paid their taxes through their landlords. On the other hand, there were those among the *coloni* that enjoyed considerably more freedom according to the code of laws. While they still appeared to be bonded to the land they had to till,²⁶ they paid the taxes themselves and they could freely dispose of their own property.²⁷ It was also forbidden to reduce their status to that of *adscripticii*.²⁸ Nonetheless, even the *coloni liberi* could not be called completely free men. The law by Anastasius eventually bonded them to the land if they remained on it for more than thirty

²¹ Cod. Theod. 5, 17, 1.

²² I was appropriately reminded of the possibility that the law in question could be actually applied universally. For example as an answer to *provinciales*, but with general validity. On the other hand, binding the *coloni* to the land in various provinces appeared in laws at a later date, for example in Illyricum by the year 371 (Cod. Iust. 11, 53, 1) and in Palestine by the year 386 (Cod. Iust. 11, 51, 1).

²³ Cod. Iust. 11, 48, 8.

²⁴ Cod. Iust. 11, 51, 1.

²⁵ Cod. Theod. 5, 3, 1.

²⁶ Cod. Iust. 11, 48, 23; 11, 48, 51–53.

²⁷ Cod. Iust. 11, 48, 19; 11, 48, 52.

²⁸ Cod. Iust. 11, 48, 23.

years.²⁹ In a later law³⁰, it was then established that the same rule applied even to their children, thus making their status of bonded *coloni de facto* hereditary.³¹

By the content of the laws themselves it is hard to decide what precisely caused the gradual decline of the *coloni's* legal status and it is also difficult to discover whether such laws were published in order to establish a new state of affairs or whether they just acknowledged circumstances already common in practice. Available evidence actually suggests that the latter might be closer to the truth. The laws binding the *coloni* were published continuously from the 4th century up to the time of Justinian for different parts of the Roman Empire and it seems that those laws did not indeed introduce a new order of things, but that they were implemented to allow the state to gain the most from the conditions in practice. In Egypt, for example, we know of papyri describing *coloni* by the terms³² that appeared as official in legal sources at a much later date,³³ which would suggest that the legal framework about the *coloni* developed according to established common practice. Of course, it is not possible to be completely sure, as there is always a chance that we simply lack the evidence of the intermediary legal sources.

On the other hand, these are not the only examples of such laws. A comparable pattern can be identified even when discussing the issue of *autopragia*, or in another words, when discussing the practice in which the residents working on an estate did not pay the taxes directly to the state's officials, but paid it through their respective landowners. Before

²⁹ Cod. Iust. 11, 48, 19.

³⁰ Cod. Iust. 11, 48, 23.

³¹ The interpretation of the laws Cod. Iust. 11, 48, 19 and Cod. Iust. 11, 48, 23 is not completely clear and there exists a discussion about precise meaning of these two laws. Sirks for example believes in completely opposite interpretation. In this scenario the *coloni adscripticii* working for 30 years on the same land would gain the status of free *coloni* that would even transfer to their children; SIRKS (2008, 130).

³² P. Oxy L 3584; The papyri in question is a petition dated to the middle of 5th century from a certain estate worker Apphous. He describes himself with a term *paroikos* that is considered to be synonymus with the term *enapographos*, which is greek equivalent to the latin term *coloni adscripticii*, or in another words – bonded colon.

³³ The term *paroikos* appeared in 6th century laws, for example Cod. Iust. 1, 2, 24.

the appearance of evidence of the autopract status in any legal source, it is possible to find mentions of it in the papyri of the Heroninos archive.³⁴

Lastly, the development of the legal status according to the legislation was finalized and somewhat united in the reign of the emperor Justinian, so it is clear that the whole process of developing and uniting the legal status of the Late Roman colonate took more than two hundred years. Even though it is not possible to call people under the colonate truly free from the legal perspective, they were still not slaves as the state never really removed their status of Roman citizens. Possibly the best way to describe coloni legally would be to say that they were free in their relation to the Roman state and a Roman society as a whole, but in a servile condition with regard to their masters and landowners. In other words, they were *in domini potestate*.³⁵

Republishing of laws and *patrocinium*

There are some issues when dealing with legal sources such as the *Codex Theodosianus* and *Codex Iustinianus*.³⁶ I have already mentioned some of them in the previous paragraphs, but probably the most relevant in regard to this paper is the discussion to what degree the laws pictured the reality of the Late Roman Empire. The laws could very well just describe the state of affairs desired by the Roman government and evidence in support of this exists. For the purpose of this paper the most important of such evidence is the fact that the laws often used to be republished, which suggests that the Roman state had problems enforcing the laws.

A very relevant example of the aforementioned republished laws is the section that deals with the illicit form of patronage most often called *patrocinium*. In this kind of patronage, the rural populace, with bonded coloni among them, entered into service and put themselves under the protection of someone other than their rightful landowner. Most cases of *patrocinium* are reported from the Roman east, where the coloni and oth-

³⁴ RATHBONE (1991, 404–407).

³⁵ SARRIS (2006, 154); Nonetheless, the caution here is necessary, because the landlord did not possess the power over the coloni due to sphere of the private law, but more likely as a right of the landlord pertained in public law based in his ownership of the land – GREY (2007, 168).

³⁶ For more about the codes see: MATTHEWS (2000) and SIRKS (2007).

er agricultural laborers came under the protection of some local authority, often but not exclusively of military origin. Such protection would serve them against both brigands and the landowner's officials collecting rents, as well as imperial tax collectors. The first law concerning prohibiting *patrocinium* and stating that the *colonorum multitudo* under its protection should meet their obligations was issued in the year of 360 for the area of Egypt.³⁷ In the year 368 or 370 the proscription was published again by the emperors Valentinian and Valens, this time for the whole empire.³⁸ In the early fifth century the Roman state even tried to reach an arrangement with those landowners who had gained new lands through the illicit patronage by making such gains legal as long as they met all their fiscal obligations; however, it once again prohibited any further gain of lands by such means.³⁹ But *patrocinium* still remained reality, as we can see from further laws in the *Codex Iustinianus* prohibiting it.⁴⁰

The mentions of *patrocinium* do not come only from the legal sources. A very nice description of *patrocinium* is available to us through one of Libanius' speeches,⁴¹ where he informs us that it happened on one of his estates. Of course, he laments over the whole situation because not only did he lose his workforce, but he was also unable to collect the rents from them while still being responsible for the collection of taxes. For the western part of the Roman empire, the evidence of *patrocinium* is much scarcer, but one can find references to it in the works of the Church fathers - *De gubernatione Dei* by Salvian is the most informative about the subject of *patrocinium*.⁴² He informs us of the poor condition of people from countryside that forced them into service and under the protection of the rich landowners.

While *patrocinium* was definitely undesirable for the purposes of the Roman state, the *coloni* could actually benefit from it and not just by the

³⁷ Cod. Theod. 11, 24, 1.

³⁸ Cod. Theod. 11, 24, 2.

³⁹ Cod. Theod. 11, 24, 6.

⁴⁰ Cod. Iust. 11, 53, 1.

⁴¹ Lib. Or. 47.

⁴² Sal. *De gub. Dei* 5, 8, 39–44.

fact that their new masters could provide them with protection from real threats like brigand attacks. From the economic point of view, the rigid system of a workforce bonded to the land on the one hand and landowners responsible for collecting of taxes on the other led to a certain economic stagnation, in which both of the parties gave up on fully investing into the land in order for agriculture production to be more efficient.⁴³ By being bonded to the land with circumstances that changed only very little through the time, the *coloni* essentially lost the opportunity to officially bargain for better conditions with their landlords.⁴⁴ *Patrocinium* could serve them as a way to better their own living situation. Considering that the laws introduced severe penalties for both the *coloni* under *patrocinium* and for the individuals providing it,⁴⁵ it would be only logical to assume that it must have been beneficial for both parties if they were willing to undertake such risks. They could, for example, bargain over the contract much more freely.

Economic, social and legal power of the *coloni*

Precisely determining the actual economic and financial conditions of both the *coloni adscripticii* and the *coloni liberi* is a difficult, if not completely impossible task due to the lack of relevant sources. Some of the literary sources talk about the impoverished agrarian population⁴⁶, but

⁴³ For more information about the economic efficiency of such systems of production see KEHOE (2007, 36–40; 69–72).

⁴⁴ On the other hand, it is important to mention here that many economic studies found out the less developed countries of today's world were actually more agriculturally productive in a system where tenants had to pay both the taxes and rents, simply because it drove them to work harder. The question is, however, if it is possible to project such findings to the reality of the Late Roman period – FOXHALL (1990, 102).

⁴⁵ As seen in Cod. Iust. 11, 53, 1 the law theoretically allowed putting the *coloni* that turned themselves over to the protection of another into the chains, but considering the need of the workforce in Late Antiquity, it is hard to imagine that the punishments were overly harsh. On the other hand, there were penalties even for the ones providing *patrocinium* that often consisted of fines or property confiscations.

⁴⁶ Apart from the already mentioned *De Gubernatione Dei*, there are more pieces of Christian literature talking about the bad living conditions of the peasants. An open letter of the 5th century written by the abbot Shenoud can serve as a nice example. In

we cannot take this as a given, as I have already explained. On the other hand, in some papyri one can find mentions of coloni having substantial wealth.⁴⁷ However, it is not fitting to be overly optimistic about the economic wellbeing of the Late Roman agricultural populace. After all, the evidence suggests that there was a great deal of indebtedness in the Late Roman Empire, especially among the coloni. The debt is also considered as one of the main factors why it was possible for the formerly free inhabitants of the Roman Empire to lose such a large portion of their personal rights, as happened in the case of coloni.⁴⁸

While the gradual loss of the coloni's legal rights was evident from the Roman code of laws, they were never truly completely without them and the evidence available to us suggests that they were not oblivious of their rights. There are some petitions that have survived, sent to the local authorities by both the free farmers and the coloni, in which they tried to defend their rights. Most of these petitions sent by the coloni were about their landowners raising rents too high and indeed it was forbidden by law to raise the rents above the value that was agreed upon when the contracts between landowners and coloni were created.⁴⁹ Other type of petitions that can be often found consists of pleas regarding remissions of rent payments because of various occurrences like droughts, crop failures or dying cattle.⁵⁰ Unfortunately, in most cases we do not know what the response of the official authorities was, so we cannot decide how successful such petitions were. Nonetheless, the very

the letter, the abbot berates one of the landowners of the city of Panopolis for exploitation of his workforce – BARNES (1964, 157–159).

⁴⁷ For example, P. Oxy XXVII 2479 consists of a plea made by a certain colonus that fled from the Appion estate of Kinea because his cattle died and he no longer could pay his rents. Now he is asking for the chance to return to the estates to work again without the punishment. The fact that he once had cattle at his disposal suggests that before he was struck by bad fortune he was doing quite well.

⁴⁸ See FINLEY (1976).

⁴⁹ Cod. Iust. 11, 50, 1.

⁵⁰ They were eligible for remissions of the rents only in a case of what was known as *vis maior*, or in another words if some unforeseeable disaster struck their land and they were thus unable to make a profit from their land. But unfortunately, a lot of calamities like seasonal heat waves that could cause for instance crop failures were considered to be foreseeable – KEHOE (2007, 110–119).

existence of such petitions provides us with several very interesting findings. Firstly, the fact that the coloni sent the petitions indicate that they were quite knowledgeable about their own rights and they were ready to defend them if the need for it occurred. From this evidence alone, it seems they were not as defenceless as some authors, both modern ones and ancient ones, imply.⁵¹ Secondly, the petitions sent to the imperial authorities might suggest that the rural populace even in the fifth and six centuries had some faith in finding justice when addressing imperial authorities. Especially, when put in context with the increasing care of imperial administration for the imperial rescripts that in some cases could serve as a way to alter the conditions of the agrarian workforce.⁵²

On the other hand, different evidence puts the life of the countryside's common folk into a much worse light. We know of various petitions from originally free farmers that describe the illicit activity of local powerful landowning magnates. Such documents show that the landowning elite used their influence and sometimes even brute force to coerce the local population into conceding their lands and eventually becoming coloni in the coercer's service. One of the best documented examples of such petitions are the ones sent by one Dioscuros in the mid-6th century, describing the affairs in the village by the name of Aphrodite.⁵³ He informs us that the private armed retinues of the neighbour-

⁵¹ The need for protection of the common people is often emphasized in the work of church fathers. For example, John Chrysostom compared them to a flock and highlights the necessity of their masters caring for them and leading them not only in secular but also in spiritual matters; DE WET (2015, 83–113).

⁵² KEHOE (2007, 19). The petitions sent by the agrarian populace from the lower social classes are not just the Late Roman phenomenon. Similar petitions can be found through different historical periods. They were especially popular in the Early Modern Europe. The success of such petitions could not be taken for granted and the chances of favourable outcome were most likely quite low and yet the people sending them still expressed some hope in finding help with authorities. Even for the studies of Early Modern period the petitions served as one of the few primary sources available for various research questions regarding the common people. See for example: WÜGLER (2001).

⁵³ P.*Cairo Masp.* I 67002.

hood landowners⁵⁴ collected taxes from the farmers they had no rights to and that they even seized their cattle and blocked the irrigation canals to force them into cooperation. Even in one of the Libanius' speeches, it is possible to find mentions of such behaviour by the influential magnates. He vividly describes the common practice of a large landowner buying a small parcel of land in the village and then using his influence and power to coerce other farmers in the vicinity to enter into his service in order to gain control of their lands.⁵⁵ The great landowners even used such methods as deliberately causing hunger among the population in order to further advance their economic and social power and in effect decrease the influence of the people standing lower on the social ladder.⁵⁶

While it is true that the farmers initially entered into colonate status willingly by signing a contract with the landowner,⁵⁷ the likes of the above mentioned evidence suggest that they could often be driven into entering the colonate by the landowners themselves. This is not to mention the economic pressure the large estates generated on the small scale free farmers, who could hardly remain economically competitive in an areas in which powerful magnates operated.

In the paper papyri were often mentioned as a source material. However, when dealing with papyri one needs to keep in mind some

⁵⁴ The topic of private armies of influential figures is also very interesting to study. In the sources, such units are often described with the term *buccelarii*. As can be seen, they were often used by rich landowners, even though there were laws that prohibited creating personal armed bands of soldiers. However, some authors believe that the *buccelarii* eventually developed into having a semi-official character and thus they could have served as a military reserve of the state, while being partially provided for by the landowners that employed them. See for example: SCHMITT (1994).

⁵⁵ LIB *Or.* 39, 11.

⁵⁶ STAHAKOPOLOUS (2004, 187–210).

⁵⁷ The laws found in Cod. Iust. 11, 48, 8 and Cod. Iust. 11, 48, 22 explicitly state that workers need to agree to becoming *coloni adscripticii* and they cannot be made into adscripts simply by working on a landowner's land. There was also need of an additional document proving their agreement to enter such service. Such sureties can be found in the papyri. For example, P. *Oxy* I 135 shows us the condition of the contract. The labourers in question were retained on a permanent basis and the contract extended even to the families of the labourers.

methodological flaws. Firstly, the vast majority of papyri remain unedited and are currently available only to a handful of papyrologists. As such, it is possible that some currently undocumented papyri contain valuable information about the topic at hand that will alter our conclusions sometime in the future. Secondly, and probably even more importantly, almost all of the papyri come from Egypt, which is often considered to have had atypical economic and social conditions among the regions of the Late Roman Empire. Nonetheless, there are some papyri from the other parts of the Roman Empire as well containing similar information on the topics of great estates and the colonate.⁵⁸

Conclusions

In the paper I tried to provide evidence in order to shed some light on the living conditions of the people under the Late Roman colonate. The legal sources clearly reveal that the legal status of the Late Roman coloni deteriorated through the time and the coloni themselves thus can be considered under the influence of legal minorization.

However, it is necessary to realize that they were never completely without rights and that they were never truly reduced to a servile status. As such, the various petitions suggest that the coloni knew about their own rights and were ready to defend them when it was needed. On the other hand, in reality people under the Late Roman colonate probably had only limited options to use their own free will. The owners of large estates held considerable influence over affairs in the Roman countryside and the evidence indicates that they were prepared to use their power to achieve benefits even at the expense of the local people. Thus, the landowners had the means to force both the free farmers and coloni to do their bidding. Nonetheless, even coloni could try to better their own living conditions by entering under the *patrocinium* and eventually achieving better bargaining terms for themselves. But it is true that even the *patrocinium* could be enforced on the coloni by someone in power.

⁵⁸ Among the other written sources describing comparable phenomena the most notable ones are probably the already mentioned literary works of Church Fathers describing social problems of the rural populace among them especially the mentions of the illicit form of patronage often called *patrocinium*.

Patrocinium was of course prohibited by the laws, which is understandable, because in such cases the state lost any potential control, especially in fiscal matters.

Last but not least, the notion that the legislation dealing with *coloni* reacted to the situation already in practice, rather than trying to create a new state of affairs, suggests that the deteriorating legal status of *coloni* reflected to their economic wellbeing and social standing. Unfortunately, we lack the sources needed to provide a complete image of the economic prosperity of the *coloni*, but the available evidence implies that the Roman countryside was economically quite diverse and even that some of the *coloni* could enjoy relatively good material security. On the other hand, the impoverishment of the Late Roman agrarian populace was very likely on the rise and this was true even for the *coloni*. After all, their large indebtedness was one of the main reasons why they started to become more and more dependent on the estate owners. In this respect, the legal minorization of the *coloni* revolved around their economic and social standings, rather than the other way around.

Primary sources

- | | |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Akropol. <i>Hist.</i> | G. AKROPOLITES: <i>The History</i> . Translated by R. Macrides (ed.). Oxford 2007. |
| Cod. Iust. | P. KRÜGER (ed.): <i>Corpus Iuris Civilis</i> , vol. 2., <i>Codex Iustinianus</i> . Berlin 1915. |
| Cod. Theod. | P. KRÜGER – T. MOMMSEN (eds.): <i>Codex Theodosianus</i> , vol. 1., <i>Theodosiani Libri XVI cum constitutionibus Sirmondianis</i> . Berlin 2011. |
| Lib. Or. 39, 11 | R. CRIBIORE (ed.): <i>Between City and School: Selected Orations of Libanius</i> . In: <i>Translated Texts for Historians</i> , vol. 65. Liverpool 2015. |
| Lib. Or. 47 | A. F. NORMAN (ed.): <i>Libanius selected Orations</i> , vol. 2. Loeb 452, 1977. |
| Sal. <i>De gub. Dei</i> | J. F. O’SULLIVAN (transl.): <i>The Writings of Salvoian, the Presbyter</i> . In: L. Schopp (ed.): <i>The Fathers of the Church</i> , vol. 3. Washington 2008. |

List of papyri

- P. Cairo Masp. I 67002
- P. Oxy I 135
- P. Oxy XXVII 2479
- P. Oxy L 3584

Secondary sources

- BAGNALL 1993 R. S. BAGNALL: *Egypt in Late Antiquity*. Princeton 1993.
- BANAJI 1997 J. BANAJI: *Modernizing the Historiography of Rural Labour: an Unwritten Agenda*. In: M. Bentley (ed.): *Companion to Historiography*. London 1997, 88–102.
- BANAJI 2001 J. BANAJI: *Agrarian Change in Late Antiquity: Gold, Labour and Aristocratic Dominance*. Oxford 2001.
- BARNS 1964 J. BARNS: *Shenoute as a Historical Source*. Actes du Xe Congrès International de Papyrologues 1964. Warsaw 151–159.
- BELL 1917 H. I. BELL: *The Byzantine Servile State in Egypt*. JEA 4 (1917) 86–106.
- BROWN 1971 P. R. L. BROWN: *The World of Late Antiquity*. London 1971.
- CAMERON 2011 A. CAMERON: *The Mediterranean World in Late Antiquity: AD 395–700*. Routledge 2011.
- CARRIÉ 1983 J. M. CARRIÉ: *Un roman des origines: les généalogies du colonat du Bas-Empire*. Opus 2 (1983) 205–251.
- CARRIÉ 1997 J. M. CARRIÉ: *Colonato del Basso Impero: la resistenza del mito*. In: E. Cascio (ed.): *Terre, proprietari e contadini dell'impero romano: Dall'affitto agrario al colonato tardoantico*. Rome 1997, 75–150.
- DE WET 2015 CH. L. DE WET: *Preaching Bondage: John Chrysostom and the Discourse of Slavery in Early Christianity*. Oakland 2015.
- DÜLMEN 2005 R. DÜLMEN: *Kultur und Alltag in der Frühen Neuzeit, 2. Teil, Dorf und Stadt: 16. – 18. Jahrhundert*, Berlin 2005.
- FINLEY 1976 M. I. FINLEY: *Private Farm Tenancy in Italy before Diocletian*. In: M. I. Finley (ed.): *Studies in Roman Property*. Cambridge 1976, 103–121.
- FINLEY 1985 M. I. FINLEY: *The Ancient Economy*. London 1985.
- FOXHALL 1990 L. FOXHALL: *The Dependent Tenant: Land Leasing and Labour in Italy and Greece*. JRS 80 (1990) 97–114.
- GASCOU 1985 J. GASCOU: *Les grands domaines, la cité et l'état en Egypte byzantine*. Travaux et Mémoires 9 (1985) 1–90.
- GELZER 1909 M. GELZER: *Studien zur byzantinischen Verwaltung Ägyptens*. Leipzig 1909.
- GREY 2007 C. GREY: *Contextualizing Colonatus: The Origo of the Late Roman Empire*. JRS 97 (2007) 155–175.
- HARDY 1931 E. R. HARDY: *The Large Estates of Byzantine Egypt*. New York 1931.
- HICKEY 2001 T. HICKEY: *A "Public" House but Closed: Fiscal Participation and Economic Decision Making on the Oxyrhynchite Estates of the Flavii Apionnes*. Ph.D. diss. University of Chicago 2001.
- JOHNSON–WEST 1949 A. C. JOHNSON – L. C. WEST: *Byzantine Egypt: Economic Studies*. Princeton 1949.
- KAPLAN 1992 M. KAPLAN: *Les hommes et la terre à Byzance*. Paris 1992.

- KEENAN 1975 J. G. KEENAN: *On Law and Society in Roman Egypt*. ZPE 17 (1975) 237–250.
- KEENAN 1980 J. G. KEENAN: *Aurelius Phoebammon, son of Triadelphus: a Byzantine Egyptian Land Entrepreneur*. BASP 17 (1980) 145–54.
- KEHOE 2003 D. P. KEHOE: *Aristocratic Dominance in the Late Roman Economy and the Question of Economic Growth*. JRA 16 (2003) 711–721.
- KEHOE 2007 D. P. KEHOE: *Law and Rural Economy in the Roman Empire*. Ann Arbor 2007.
- KINGSLEY 2003 S. KINGSLEY: *Late Antique Trade: Research Methodologies and Field Practices*. In: L. Lavan – W. Bowden (eds.): *Late Antique Archaeology*, vol. I: Theory and Practice in Late Antique Archaeology. Leiden 2003, 113–138.
- MACCOUL 1993 L. MACCOUL: *Coptic Perspectives on Late Antiquity*. Aldershot 1993.
- MAYER 2009 W. MAYER: *Approaching Late Antiquity*. In: P. Rousseau (ed.): *A Companion to Late Antiquity*. Chichester 2009, 1–15.
- MAZZA 2001 R. MAZZA: *L'archivio degli Apioni: terra, lavoro e proprietà senatoria nell'Egitto tardoantico*. Bari 2001.
- MATTHEWS 2000 J. MATTHEWS: *Laying Down the Law: A Study of the Theodosian Code*. New Haven 2000.
- MITCHELL 2015 S. MITCHELL: *A History of the Later Roman Empire: AD 284–641*. Chichester 2015.
- RATHBONE 1991 D. RATHBONE: *Economic Rationalism and Rural Society in Third-Century AD Egypt: the Heroninos Archive and the Appianus Estate*. Cambridge 1991.
- ROUILLARD 1953 G. ROUILLARD: *La vie rurale dans l'empire byzantine*. Paris 1953.
- SARRIS 2006 P. SARRIS: *Economy and Society in the Age of Justinian*. Cambridge 2006.
- SCHMITT 1994 O. SCHMITT: *Die Buccellarii: Eine Studie zum militärischen Gefolgschaftswesen in der Spätantike*. Tyche 9 (1994) 147–174.
- SIRKS 2007 A. J. B. SIRKS: *The Theodosian Code. A Study*. Friedrichsdorf 2007.
- SIRKS 2008 A. J. B. SIRKS: *The Colonate in Justinian's Reign*. JRS 98 (2008) 120–143.
- SODINI 2003 J. P. SODINI: *Archaeology and Late Antique Social Structures*. In: L. Lavan – W. Bowden (eds.): *Late Antique Archaeology*, vol. I: Theory and Practice in Late Antique Archaeology. Leiden 2003, 25–56.
- STAHAKOPOULOS 2004 D. STAHAKOPOULOS: *Famine and Pestilence in the Late Roman and Early Byzantine Empire: a Systematic Survey of Substinence Crises and Epidemics*. Aldershot 2004.
- WARD-PERKINS 2000 B. WARD-PERKINS: *Land, Labour and Settlement*. In: A. Cameron – B. Ward-Perkins – M. Whitby (eds.): *The Cambridge Ancient History*, vol. XIV: Late Antiquity: Empire and Successors. Cambridge 2000, 315–345.

WÜRGLER 2001

A. WÜRGLER: *Voices From Among the Silent "Silent Masses": Humble Petitions and Social Conflicts in Early Moder Central Europe*. IRSH 46 (2001) 11–34.