

Late Antiquity in Contemporary Debate

Edited by

Rita Lizzi Testa

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CHAPTER SIX

PEASANT AND SLAVE IN LATE ANTIQUE NORTH AFRICA, C. 100-600 CE

NOEL LENSKI

One of the most enduring questions in the study of Late Antiquity is that of labor organization and land tenure. From Marx, to Fustel de Coulanges, to Weber in the nineteenth century, through Rostovtzeff, Mazzarino, Štaerman, and Finley in the mid-twentieth and up to the present with Lo Cascio, Vera, Carriè, Banaji, Wickham, Sarris, Grey, and Harper, the question has preoccupied some of the greatest historical minds.¹ Did Late Antiquity open a new chapter in the organization of labor relations? Or was it simply more of the same? Did it remain a period whose economic organization was characterized by what Marx termed the “slave mode of production” and Finley repackaged in sociological terms under the concept of a “slave society”? Or did it, as both Finley and Marx agree, give way to some form of bound dependency short of enslavement, a condition the mid-twentieth century was content to label “serfdom”? Based primarily on evidence from Egypt, Banaji and Sarris have recently restated the case for the rise of a new mode of tenant labor organization with the rise of great estates populated by tenant laborers working on long-term (essentially permanent) rental contracts known in the sources generically as *coloni*.²

Even more recently, however, Harper has taken a very different position and made the case that late Roman society remained a Finleyan “slave

¹ Weber 1891; Fustel de Coulanges 1894; Rostovtzeff 1910; 1957; Mazzarino 1951; Štaerman 1957; Finley 1973; 1980; Lo Cascio 1997; Vera 1983; 1987; 1992-1993; Carriè 1982; 1983; 1997; Banaji 1997; 2001; Wickham 2005; Sarris 2006; Grey 2011; Harper 2011. I should like to thank Monica Hellstrom for her helpful discussion of this paper as well as Dennis Kehoe and Domenico Vera for their careful readings and useful advice.

² Banaji 2001; Sarris 2006.

society” throughout the long fourth century.³ Engaging in particular with Marxian models that emphasize a transition from slavery to bound tenancy,⁴ Harper has asserted that agricultural surplus continued to be produced for the Roman elite primarily through the exploitation of slave labor into the fifth century. In what could be termed a “capitalist model,” built on Finleyan assumptions about the importance of markets for the rise and flourish of a “slave society,” Harper contends that only with the political collapse of the Roman empire in the fifth century did slavery falter on the shoals of economic stagnation. As the market for the surplus production dried up, the demand for large-scale slave operations shrank and with it went Rome’s slave society.

In order to make his case, Harper must sidestep the abundant evidence for agricultural tenancy throughout the imperial period and for its gradual transformation into a more slavelike condition with the binding of *coloni* to the estates on which they were born. Rather than discuss this evidence head on, Harper falls back on the work of Jean-Michel Carrié, who has argued strongly against the existence of the “colonate” as any coherent juridical status, contending instead that it represents a modern “mythe historiographique.”⁵ Although Carrié’s arguments have been reinforced in recent work by Grey, the thesis remains controversial. Thus Harper’s contention that reference to Carrié’s work suffices to replace serious engagement with the detailed and abundant source pool on tenancy leaves his argument open to question.⁶

In this brief study I return to the question with a focus on just one geographical area, the North African Maghreb, a region of central importance to Harper’s thesis because of the rich storehouse of circumstantial material on agricultural production available in the corpus of Augustine. My goal is to reopen the question of agricultural labor in this territory and particularly to weigh the evidence for the relative importance of free, bound, and slave labor in generating surplus for the regional and imperial

³ Harper 2011, 144-200, 497-509.

⁴ Especially the work of Vera and Giardina; cf. Giliberti 1999; Rosafio 2002.

⁵ Carrié 1982; 1983; 1997.

⁶ Harper 2011, 153–55: “Suffice it to say that Carrié’s initial critique forever undermined the idea that the colonate was a ‘replacement’ of the slave system or that it created an intermediate serf–like status between slavery and freedom.” See also Harper 2012, 169: “Second, one of the central components of the narrative of transition from ancient slavery to medieval serfdom has disappeared, at least in anything like its classic form: the colonate... Indeed, just as the colonate is a ‘historiographical myth,’ so too the conquest thesis is an ‘economic myth’.”

elite. I explore the question over the *longue durée*, for only thus can we hope to determine whether there was in fact a transformation in labor relations during Late Antiquity, or any other period for that matter. To anticipate my conclusions, I will argue based on what should represent a fairly comprehensive examination of available sources that, even if there may have been a “slave society” elsewhere in the Roman Empire in the fourth century, there is no solid evidence that this was the case for North Africa at any period between the first and sixth centuries CE. Indeed, while plenty of evidence for agricultural labor in the region exists, most of it points to the use of tenants for the generation of surplus on the estates of the emperor and the political and economic elite in all periods of antiquity with the possible exception of the second and fifth centuries—the later only in the post-Roman period of Vandal occupation. Second, I hope to demonstrate that, although tenancy remained a prevailing—usually the prevailing—mode of rural labor organization, it did in fact shift in Late Antiquity with the rise of the bound colonate. The net effect was a marked reduction in the freedom of farm laborers, who had formerly been given considerable sway in the management of their tenancies but lost this to a welter of state regulation. This alteration to traditional forms, well attested in the writings of Augustine, then saw further shifts with the arrival of the Vandals, who appear to have relied much more heavily on slaves. With the East Roman reconquest of North Africa, the imperial fiscal administration made a half-hearted effort to reimpose a bound colonate but essentially faltered in the grip of the centripetal forces that always made the binding of tenants difficult, and particularly in a region where longstanding local custom had favored freer forms of tenancy since the early empire. In this sense, Late Antiquity did indeed witness a period of transformation in the organization of agricultural labor, but not one that was unidirectional. The heavy, if hardly predominant, reliance on slave agricultural labor in the second century gave way to the much more intensive use of bound tenant labor under the dirigiste state of the fourth century, and in turn to the opportunistic exploitation of slavery in the fifth, only to revert to patterns of bound tenancy, albeit with limited success, in the sixth. Insofar as this is true, a Finleyan “slave society” is not to be found in any period of Roman rule in North Africa, least of all in the long fourth century.⁷

⁷ Vera 1988 already reaches similar conclusions to those presented here. So too Lassère 2015, 205-6, 261-280; Whittaker 1978; 1980; Garnsey 1998, 473: “North Africa was a slaveowning rather than a slave society.”

Natural parameters—land and water, large estates and small-scale competition

There were certain fixed factors that governed the organization of agriculture and land tenure in most of North Africa throughout the Roman period. Chief among these was geography and its relationship to climate and water supply. Roman North Africa essentially corresponded to the territory known with the Arabic designation Maghreb (“West”), stretching along the south-western coast of the Mediterranean between Tingis (Tangiers) in Mauretania and Lepcis Magna (Lebda) in Libya. This was a landscape dominated by the long ridges of the Atlas and Aurès Mountains, paralleling the coast from south-west to north-east between modern Morocco and Tunisia. These ridges, whose heights were located between 200 and 400 km inland, simultaneously captured precipitation and fragmented the geography into a series of fertile valleys (suitable for cereal agriculture), surrounded by hillsides (whose lower slopes supported fruit and olive production). Along the central north coast, in what is today Tunisia and eastern Algeria, for a distance of between 200 and 300 km inland, average rainfall exceeded 400 mm annually, making cultivation possible without irrigation. Here cerealiculture flourished already in pre-Roman times. It was given further impetus by Roman centuriation in the fertile valleys of the seaward flowing watersheds, which resulted in the creation of orderly plots that were parceled out to Roman colonists, primarily in the first centuries BCE and CE. For another 100–200 km southward an isohyet of 200 mm of annual rainfall allows for irrigated agriculture, which gradually took off under the stable security situation provided by the Romans, reaching an apex in the third century CE. This more marginal steppic land, as for example in the territory of western Byzacena, tended to favor oleiculture rather than grain production, although olives as well as fruits (figs, dates, and wine grapes) were produced all across the Maghreb, particularly at the edges of arable tracts. Beyond this to the south was desert, accessible only to pastoralist nomads, who were themselves very much a part of the region’s economy as they entered and exited arable territory, interacting with the agriculturalist neighbors as occasional laborers, traders, and raiders.⁸

Agriculturalists have tended to cluster their habitations around rivers, wadis, and springs and have always worked to harness and husband

⁸ More on the landscape of North Africa and its effects on habitation and agriculture at Lassère 2015, 21–26, 201–43.

precious supplies of water using dams, reservoirs, and conduits. This hydrological situation has favored those who were able to concentrate capital, even as it also fostered competition for control of limited water and limited parcels of land with access to it. Closer to the desert steppe, it has increased interaction with nomads, further conditioning the agglomeration of populations into compact settlements for purposes of defense.⁹ Already in pre-Roman times this nexus of geographic and climatological factors gave impetus to the growth of large estates, which could concentrate and control water resources and provide security against nomadic indigenes.¹⁰ Such *latifundia* retained their importance in the period of Roman imperial rule, when large landholdings are alluded to in a famous passage of Pliny the Elder claiming that, “*latifundia* have destroyed Italy, but also the provinces; six estate-holders owned half of Africa when Nero murdered them.”¹¹ A similar situation is described in the early fifth-century surveyor Agennius Urbicus:

But they [i.e., disputes between private landholders and civic communities] often occur in the provinces, especially in Africa, where private individuals have estates no less extensive than the territory belonging to a civic community (*res publicae territoria*); indeed, many estates are far bigger than territories. Moreover, private individuals have on their estates a not insubstantial population from the lower orders (*populum plebeium*), and villages (*vici*) scattered around their country house rather like towns (*municipia*).¹²

⁹ Whittaker 1978. On tensions between nomads and sedentarists over territorial control, see *CIL* 8: 8369 = *ILS* 5961 with Kolendo 1991, 32. See Mattingly et al. 2013 for a survey of fortified farms and villages in Africa.

¹⁰ The Numidian *vicus Phosphorianus* at Ain Melouk near Thibilis controlled some 4425 ha, cf. Desanges 1989. Shaw 1992, 92 argues that at Lamasba (Ain Merwāna), also in Numidia, a dozen families controlled 72% of the land recorded at *CIL* 8: 4440 = 18587 = *ILS* 5793 (220s). For archaeological evidence of large-scale property concentration in the Segermes Valley, see Dietz et al. 1995,

¹¹ Plin. *Nat. Hist.* 18.6.35: *latifundia perdidere Italiam, iam vero et provincias; sex domini semissem Africae possidebant, cum interfecit eos Nero*; cf. Sen. *Ep.* 19.5[114].26.

¹² Agennius Urbicus, *De controversiis agrorum: Inter res p. et privatos non facile tales in Italia controversiae moventur, sed frequenter in provinciis, praecipue in Africa, ubi saltus non minores habent privati quam res p. territoria; quin immo multi saltus longe maiores sunt territoriis: habent autem in saltibus privati[s] non exiguum populum plebeium et vicos circa villam in modum municipiorum* (Campbell 2000, 42–43 with 349–50 n. 56). On the date of Agennius Urbicus, see Campbell 2000, xxxi–xxxiii.

In Africa, then, private estates were often as extensive as neighboring towns and even stood in competition with these as centers of territorial and political autonomy.¹³ Moreover, as the Pliny passage implies, Africa was notorious for its especially high concentration of imperially owned properties. Using the quite precise figures mentioned for cultivable estates in Africa Proconsularis and Byzacena in a law of 422 CE, Claude Lepelley has estimated with some precision that the imperial *res privata* controlled approximately 1/6 of the cultivable land of both provinces in this period, and the same is likely to have been true in earlier centuries as well.¹⁴

It is important to note that the archaeological and epigraphic evidence adds considerable subtlety and complexity to the monolithic impression of outsized estates left by the texts.¹⁵ Particularly in those areas that could support wet farming, we have evidence for extensive centuriation into smaller plots and epigraphic as well as archaeological testimonia to a vast multiplicity of individually named farms, both private and imperial.¹⁶ Even in more marginal landscapes, archaeological survey has indicated the regular recurrence of tessellation into relatively compact estates which competed with one another for access to resources and to maximize surplus output through the investment of capital and labor into improvements like olive presses and grain storage silos. It remains a subject of ongoing debate whether these opposing indications (of large and small scale operations) in the source pools point to a shift over time (as Africa went from a labor deficit in the early empire to a labor surplus by the early third century)¹⁷ or perhaps simply two versions of the same story (large-scale landholders co-existing alongside smaller free-holders and maintaining control over holdings scattered across a dispersed landscape).¹⁸

¹³ See also *Vita Melaniae Latina* 21 (Laurence pp. 194-95): *quae possessio maior etiam erat civitatis ipsius* (speaking of the estate of the Valerii near Thagaste).

¹⁴ *CTh* 11.28.13 with Lepelley 1967. See also Crawford 1976, 57-59 for a provisional list of known imperial estates.

¹⁵ Fentress et al. 2004, *passim*, esp. 160: "In spite of a tendency to agglomerate, the African countryside remained marked by a highly differentiated settlement pattern, with villages, small farms and towns surviving beside the villas of the urban elite." On a micro-regional level, Leveau 1984, 281-397 explores the variety of productive strategies and their correspondence with landscape and labor in the area around Caesarea. Invaluable is the survey of North African archaeology at Mattingly and Hitchner 1995.

¹⁶ For a sampling, see Lengrand 1996, 112-16.

¹⁷ So Lassère 1977, 647-62.

¹⁸ Picard 1959, 64, 373; cf. Lassère 2015, 20-22.

These competing narratives are in many ways emblematic of a broader story of competition between labor and management that played itself out continuously from the first through sixth centuries CE. Small freeholders and tenant farmers struggled to assert control over the land they and their families had been farming for generations and the surplus product it produced, even as larger landowners (private and imperial) struggled to maximize control over the land and water resources to which they laid claim, resources developed and farmed for them by slaves, tenants, free wage laborers, and even small freeholders leasing land from larger estates. In other words, the simultaneous impression of land and resource concentration and fragmentation may be an artefact of an ongoing tug-of-war between freeholders, landlords, and tenants, each with competing claims to resources and output. The net result was what Domenico Vera has referred to as a jigsaw-puzzle of arrangements on imperial as well as private holdings consisting of a variety of types of land under a variety of types of cultivation by a variety of laborers and for a variety of owners.¹⁹

When it comes to describing the labor pool in the region, there is evidence for a similar degree of variability. Nevertheless, where good documentation for the labor regime on rural estates is available, it indicates that this was overwhelmingly free, whether this meant free landowners on small privately held farms, free tenants renting parcels from mid-sized landholders, or free *coloni* operating on larger estates. This is certainly true of the evidence for imperial estates, which are reasonably well documented epigraphically for the high empire, and the sources we have for labor on private estates from the later Empire also point to a general tendency toward the use of free, albeit legally bound, *coloni*. This is not to deny that other forms of land tenure and labor organization existed across this variegated landscape. In the steppe zones on the desert edge, animal husbandry and nomadic pastoralism were common, both among non-Romanized Berbers and among subjects of the Roman Empire. Here, however, the personal status of such herders is difficult to determine, and there is no evidence that herding generated a significant surplus for the landholding elite. We also have evidence for free seasonal laborers, most famously the “Mower of Mactar,” whose self-congratulatory epitaph stands as a pointed reminder that free wage and contract labor constituted an important component of the overall economy in a region where

¹⁹ Vera 1988, 986. Similarly for other parts of the empire, cf. Hickey 2007; 2012, 62–89.

seasonality played a central role in the agricultural labor cycle.²⁰ Finally, there is, as we shall see, irrefutable evidence for the use of slave labor in the first six centuries CE. Although it is never as high-resolution and abundant as the evidence for tenancy—in large part because of the widespread tendency of all source types to underrepresent slaves—it should serve as a reminder that labor relations were as variegated as landholding in the region. What we do not have, however, is any clear indication that slave laborers were central to the production of agricultural surplus for the elite. Instead, the overwhelming majority of the evidence indicates that long-term dependent or semi-dependent tenants were the primary cultivators of the medium and large-scale estates from which landholding aristocrats extracted their wealth in North Africa.

First and second centuries

Already in the Carthaginian period, agricultural labor was organized around fortlets (*castella*) using large-scale tenancy arrangements. These were simply carried forward with the rise of Roman hegemony. By the first century CE both the emperor and Roman senatorial aristocrats controlled huge amounts of North African land which, perforce, they managed as absentees through *conductores*—management level lessees who took five-year contracts on extensive farmsteads that consisted of numerous holdings parceled out to individual tenant-farmers (*coloni*) expected to pay rents in kind directly to the *conductor*, who generally also controlled a *pars dominica* that he exploited directly. Local landholders appear to have followed a similar model, exploiting their estates through tenants or sometimes slaves whom they managed either through *conductores* or more directly through *procuratores*, *actores* or *vilici* (managers, some of them slaves, to whom they entrusted estates for supervision).²¹ Absenteeism was the norm, requiring the availability not just of an adequate labor pool but also of reliable supervisors operating with equally reliable tenure arrangements to maximize efficiency and, above all, minimize risk.

In the second century CE, we have excellent evidence for such arrangements in a series of six inscriptions discovered in the Bagrada

²⁰ *CIL* 8: 11824 = *CLE* 1238; cf. Shaw 2013, 48–92, with bibliography and further references. Banaji 2001, 190–212 makes a case for the centrality of wage labor in early Byzantine Egypt, but see now the critique of Freu 2013.

²¹ Whittaker 1978, 335–41.

(Medjerda) River Valley in the province of Africa Proconsularis.²² All are related to the management of imperial estates, although there is reason to believe that the arrangements they describe were characteristic of the region more broadly. The earliest and most detailed, dating from late in the reign of Trajan (c. 117 CE), relates to a landholding called the Villa Magna Variana at the modern site of Henchir Mettich (HM).²³ Its text makes it clear that contractual relations between *conductores* and *coloni* on this estate were regulated by a normative code termed the Lex Manciana. Ever since the work of D. Flach and D. Kehoe in the 1970s–1980s, scholars have generally accepted that this was originally a private law arrangement which came to be applied to estates of the fisc that the emperor had acquired and continued to manage under its provisions.²⁴ The HM inscription represents a response to a petition lodged by the *coloni* of the Villa Magna asking for clarification on rental rates or shares (*partes*) and the management of fallow marginal land (*subseciva*) that had been brought under cultivation by the tenants. By the terms of the inscription, **rental rates** were to be regulated at one-third shares for most crops, one-quarter for some others, to be paid in kind to the *conductor*. In addition, tenants were required annually to perform six days-worth of labor service (*operae*) on the *pars dominica* under the direct control of the *conductor*. Some have speculated that *conductores* generally cultivated these direct concerns using slave laborers, although there are no clear indications of this in the epigraphic record, and the six days of corvée labor required of the various *coloni* probably would have minimized the need for much additional labor input, depending of course on their size.²⁵ Less speculatively, and more important for the overall productivity of the estate, the HM inscription provides that *coloni* who succeeded in bringing **marginal land** under cultivation would gain an ownership claim in the

²² See Flach 1978 and Kehoe 1984a; 1985; 1988, 28–70 for a complete set of editions and translations; cf. Flach 1982 and Kehoe 1988 passim for analysis. Kolendo 1991[1976], 34–45 remains useful; and see Hobson 2015, 54–61.

²³ I follow the text established at Kehoe 1984a, 198–201; 1988, 29–38. See also Flach 1978, 476–84. Kehoe's reading now supersedes *CIL* 8:25902 = Riccobono *FIRA*² no. 100.

²⁴ Kehoe 1984a, 202–3; 1984b; 1988, 48–55; Flach 1982, 447–46; De Ligt 1998–1999, 219–20.

²⁵ For the likelihood of slave laborers on the domanial estates, see already Schulten 1896, 88–91; cf. Vera 1992, 473; Wickham 2005, 273–74. Slaves are mentioned in the final lines of column IV of the Henchir Mettich inscription as guardians, but the inscription breaks off before further details can be gleaned.

lease rights (*usus proprius*) to that newly productive soil which gave them an exclusive claim to cultivate it and to pass these rights on to their successors through inheritance. It even gave *coloni* a grace period of five years (for vines) and ten (for olives) to bring such new plantations to full productivity before they owed rent on them.²⁶

This second proviso obviously encouraged the development of marginal land and thus increased the overall productivity of an estate. It also encouraged entrepreneurialism among *coloni*, who gained quasi-ownership rights from their labors and were thus incentivized to collude with the imperial fisc—the ultimate owner of the land—in increasing output. With the HM inscription and indeed all of the Bagrada Valley texts, the emperor seemed to be further supporting this relationship by circumscribing the rights of his middleman lessees (*conductores*) to usurp the profits of the *coloni* or otherwise abuse them. By preventing the more powerful agent in this binary rental arrangement from gaining the upper hand, the emperor was fostering primary producers and encouraging the full exploitation of estates that were far too distant and numerous for him to manage personally.²⁷ This sort of savvy management strategy is only thinkable in a free labor environment, a fact that must have incentivized reliance on tenants rather than slaves, who could only be acquired and maintained with significant capital outlays and whose labor productivity could only have been increased with coercive strategies that degraded their physical capacity and compromised their reproductivity.²⁸

A major question that remains with regard to the Bagrada Valley inscriptions is whether both of the main spheres of regulation—that concerning **rental rates** and that encouraging the cultivation of **marginal**

²⁶ Schubert 2008 offers a radical new reading of the Henchir Mettich inscription that assumes the provisions on marginal land deal with the sedentarization of nomads and that the related inscriptions (discussed below) then show an evolution as these sedentarized tenants faced increasing abuse in subsequent generations. The thesis is worthy of consideration, but I remain more convinced by Flach's and Kehoe's interpretations.

²⁷ This is outlined brilliantly at Kehoe 1988, esp. at 71–153.

²⁸ Pace Harper 2011, 159–60: “Tenancy inherently discouraged capital investment, partly because tenants had little reason to invest in long-term improvements and because the principal cash crops of the Roman empire, grapes and olives, take so long to mature.” In a general way, Harper's model is based on the unproven assumption that Roman landholders' primary goal was to maximize return on investment, but much better attested were strategies that minimized risk while guaranteeing steady returns, see Kehoe 1997; cf. Vera 1983.

land (*subseciva*)—were part of the original *lex Manciana*, or whether the *lex Manciana* only regulated the first and the provision for the cultivation of *subseciva* in the HM inscription was a new addition to this protocol first introduced by the very text recorded there. Luuk De Ligt has argued convincingly that both provisos were part of the original law, which simultaneously set (relatively low) rental rates on land cultivated by *coloni* and encouraged the entrepreneurial exploitation of marginal land and its long-term maintenance as quasi-property by tenant-farmers.²⁹

The process of bringing unused land into production with cereals, fruit trees, and olives was then further encouraged by a “law of Hadrian on uncultivated lands” (*lex Hadriana de rudibus agris*) which broadened the schedule of lands eligible for new cultivation to include centuriated territory which had been abandoned. We have long known of its promulgation in Africa through two further inscriptions from the Bagrada Valley at Aïn-Djemala and Aïn-Wassel.³⁰ The first was issued under Hadrian, but the second dates to the reign of Septimius Severus, indicating that the order was generalized across time. A third epigraphic attestation, published in 2000 from Lella Drebbliia near ancient Thugga, confirms that the *lex Hadriana de rudibus agris* was truly widespread in its application across the region.³¹ Indeed, it has been argued that the *lex Hadriana* was not limited to Africa but was implemented more broadly across the empire.³² The African inscriptions attesting to it seem then to have grafted its provisions into the pre-existing matrix of Mancian tenure arrangements customary in the region in order to create a system that was extremely generous in distributing possessory rights to ambitious planters and thus encouraging cultivation. The combination of *lex Manciana* and *lex Hadriana de rudibus agris* thus pioneered and propagated an ingenious way simultaneously to dampen the power of *conductores* and increase the productivity of *coloni*. Not only did they set reasonable rental rates, but they also granted perpetual proprietary claims for new plantations of vines, fruits, and olives that encouraged the expansion of market agriculture by small-scale tenants.³³ Moreover, as written protocols, both could be and

²⁹ De Ligt 1998–1999.

³⁰ Kehoe 1984b, 159–62; 1988, 55–59; cf. Flach 1978, 484–89. Kehoe’s reading supersedes *CIL* 8: 25943; 26416 = Riccobono *FIRA*² no. 101–102.

³¹ *AE* 2001, 2083 = De Vos 2000, 35.

³² Lassère 1977, 298–99; cf. Scholl and Schubert 2004.

³³ For the variety of fruits cultivated in the Maghreb under Roman rule, see Lassère 2015, 212–16, with earlier bibliography.

apparently were cross-applied throughout North Africa, where they apparently governed both imperial and private holdings.³⁴

The enduring impact of this framework is confirmed by the fact that the general terms of the *lex Manciana* and the *lex Hadriana de rudibus agris* formed the regulatory basis for tenancy arrangements mentioned in a series of petitions to the emperor Commodus in the 180s. The most extensive of these comes from the *Saltus Burunitanus* (Suk el-Khmis), 50 km west of the Villa Magna Variana. It records a petition from the *coloni* of this estate complaining that their rent shares and corvée labor obligations had been arbitrarily increased by a *procurator* who had gone so far as to unleash soldiers to arrest and even beat some of the tenants—some of them Roman citizens. In his rescript, Commodus upheld the claims of the *coloni* and forbade further abuse, to what effect we can no longer say.³⁵ Two further petitions to Commodus, both extremely fragmentary, point to similar tensions between managers and *coloni*. One at Aïn Zaga preserves only the heading of the petition, but the second, from Gasr Mezuar, preserves enough syntax to identify further complaints about radically increased corvée obligations as well as increases in rent shares on fruit trees.³⁶

This collection of late third century material indicates a growing tension between *colonus* and manager, a situation that would continue to escalate to the disadvantage of the *colonus*. Still in the 180s, however, the emperor strove to uphold the inherited claims of his tenants to limitations on their rent and labor obligations and to impose an interdict on the arbitrary abuse of their persons. As we shall see in the next section, this tendency of the emperor to defend primary producers in the face of *procuratores* and *conductores* appears to have endured into the early fourth century, after which the emperor began using the force of law increasingly to the advantage of managers (imperial and private) over against the interests of free tenants. Even so, the *lex Manciana* played a role in guaranteeing rights to land tenure as late as the fifth-century, when the Albertini Tablets, found some 200 km south of the Bagrada River (and thus in a very different agricultural context and, moreover, in a private

³⁴ Schubert 2008, 253-54.

³⁵ Kehoe 1988, 64-69; cf. Flach 1978, 489-92. Kehoe supersedes *CIL* 10570; 14464 = Riccobono *FIRA*² no. 103.

³⁶ *CIL* 8: 14428 = *ILTun* 1220 (Gasr Mezuar). *CIL* 8: 14451 (Aïn Zaga).

tenancy arrangement) continue to record the claims of tenants to the cultivation of their fields under the *lex Manciana*.³⁷

None of this is to deny that there is good evidence of the presence of slaves in the region and their use in agriculture.³⁸ Slave-like figures appear regularly on mosaics of the second through fourth centuries in both domestic and agricultural roles, even if it is extremely difficult to determine in any given instance whether a particular image represented a slave rather than a free dependent laborer.³⁹ Indications of slaves in agriculture are also present in the *Apology* of Apuleius. When describing the Tripolitanian estates of his wife Aemilia Pudentilla, he reports that she controlled “extremely fertile lands and a great and richly decorated house as well as a huge amount of wheat, barley, wine, olives, and other fruits, and also scarcely less than 400 slaves, and even more herd animals.”⁴⁰ Although the passage does not confirm that these slaves worked the land, this conclusion seems inevitable given the numbers at Pudentilla’s disposal. Indeed, earlier in the same text Apuleius fends off his brother-in-law’s ridicule at the low number of slaves he himself possessed by pointing out that, while some Africans deployed slaves on their farms, others used free laborers⁴¹—a confirmation of the overall picture presented here that slaves were a *choice*, not *the choice* for agricultural labor on the part of elite proprietors.

In fact, in many instances where slaves can be found in rural North African settings, they can be set alongside free tenants, who tend to outnumber them quantitatively and qualitatively as the primary producers of agricultural surplus. Thus Stéphane Gsell assembled some 30 epigraphic attestations for the use of slaves in managerial positions on

³⁷ See below n. 106. Hobson 2015, 57-61, 146, 157-60 is less convinced of the general applicability of the Lex Manciana outside the Bagra Valley but has difficulty explaining its regular appearance in the Albertini Tablets.

³⁸ Leveau 1984, 20-22, 82-83, 98-100, 149-53 has shown how the epigraphic record of Caesarea (Cherchel) indicates a relatively high percentage of slaves in this urban environment in the first century BCE through third century CE, although he cautions against assuming this picture applied to the countryside.

³⁹ Blazquez 1998.

⁴⁰ Apul. *Apol.* 93.3-5: *fructuosissimos agros et grandem domum opulente ornatam magnamque uim tritici et ordei et uini et oliui ceterorumque fructuum, seruos quoque haud minus CCCC, pecora amplius neque pauca neque abiecti pretii donaret.*

⁴¹ Apul. *Apol.* 17: *Ego adeo servosne tu habeas ad agrum colendum an ipse mutuiarias operas cum vicinis tuis cambies, neque scio neque laboro.*

rural estates, but these are far outnumbered by the 66 inscriptions assembled by Klaus-Peter Johne, Jens Köhn and Volker Weber that attest to the presence of *coloni* on North African farmsteads.⁴² The disparity in numbers is unlikely to be representative of the relative differences of these two groups in the North African countryside, but it does foreclose any argument that North Africa of the high empire was a “slave society,” i.e. a society in which members of the elite looked to slave labor as the primary or even exclusive manpower pool for generating income. Similarly, one of our best testimonia to the use of slaves in North African agriculture comes in a passage from the second-century jurist Scaevola where he describes a woman who left a legacy of her African farm “outfitted with all its effects and with its slaves and the rents outstanding from its *coloni*.”⁴³ The passage is striking for its implication that the estate was as reliant on free tenants as it was on slaves for its workforce. Indeed, one wonders if we are not dealing here with a private law instance of precisely the sort of land tenure structures observed in epigraphic attestations of the Mancian law, with slaves tending a domanial home-farm while *coloni* cultivate the surrounding tenancies. Whether or not this is the case, Scaevola’s testimony reinforces the impression that slaves and tenants operated side by side in African agriculture.

Slaves were thus by no means the only, nor even the primary, producers of agricultural surplus in the high empire. In fact, when we examine the most circumstantially detailed sources from the period—the Bagrada Valley inscriptions—we cannot escape the impression that tenants predominated as the generators of agricultural wealth for large-scale landholders. While these inscriptions are directly relevant only to imperial estates, there are strong indications that they reflect a pattern of estate management characteristic of private estates as well. Large landholders benefitted from the flexibility of part slave / part free work forces, each with its own drawbacks but—given the ingenious equilibrium struck by the Mancian tenure custom—each likely to have been effective at guaranteeing steady profits in a region characterized by topographical and climatological variability.

⁴² Gsell 1932, 402-8; Johne, Köhn and Weber 1983, 372-410. Carlsen 1991 also concludes that the epigraphic attestations of *vilici* and *actores* indicate a heavier reliance on tenants than slaves in the High Empire.

⁴³ *D* 33.7.27.1: “*Fundum Cornelianum Titio ita ut est instructus cum omnibus rebus et mancipiis et reliquis colonorum dari volo.*” For a similar mix of tenants and slaves see *Aug. Civ. Dei* 22.8, discussed below at n. 88.

Third century

The coexistence of multiple labor strategies in the North African countryside and the development of tenancy arrangements that simultaneously balanced the interests of laborers, lessees, and landowners created an economic boom in the Maghreb that is well attested archaeologically. Interestingly, it is precisely the sorts of crops most encouraged by the *Lex Manciana* that enjoyed the most dramatic growth, especially the olive. Mattingly has argued that by the third century, the province of Byzacena, and particularly the semiarid Sahel inland from Hadrumetum as far upland as Thelepte (Feriana), must have had a minimum of 10 million olive trees which would have produced some 40,000 metric tons of oil per year by the fourth century.⁴⁴ The intensive field survey of the western Sahel around ancient Sbeitla (Suffetula) and Kasserine (Cillium) has been able to pinpoint the period of greatest expansion of oleiculture in this westerly region to the third century, when stone-construction production facilities with purpose-built oil presses were first installed in great numbers.⁴⁵ Olive cultivation in this region thus witnessed a massive growth that must have been encouraged by the liberal land-tenure policies promoted on imperial and probably also private estates through the spread of tenancy arrangements based on the *lex Manciana*.

The economic and cultural power exerted by the agricultural and demographic growth of producers has been emphasized in a number of recent studies, especially in Dossey's monograph *Peasant and Empire in Christian North Africa*. Leslie Dossey argues that the fourth century evidence for a restive peasantry is not reflexive of resistance to oppression (as had previously been assumed) but rather of a newfound independence fostered by economic prosperity and growing self-reliance.⁴⁶ The same spirit can be found in the passage of Agennius Urbicus quoted above

⁴⁴ Mattingly 1988. Mattingly 1985 argues for similarly high figures (18,000 metric tons / year) for Tripolitanian oil production by the third century. Mattingly, Stone, Stirling and Ben Lazreg 2001 shows how the coastal city of Leptiminus became a trading center, manufacturing goods for the export of oil and garum (amphorae) as well as for agricultural use inland in the Sahel (metalwares). The regional economic boom, which continued deep into the sixth century, was thus an urban as well as a rural phenomenon.

⁴⁵ Addyman 1962, 60–77; Hitchner 1988. Mattingly and Hitchner 1995, 195 argue that some sort of tenancy arrangement, probably based on the *Lex Manciana*, factored into the growth of North African oleiculture in this region at this time.

⁴⁶ Dossey 2010, *passim*, esp. 193–203.

which asserts that the tenants of private estates were often cohesive enough to be regarded as a “plebeian populace” (*populum plebeium*) unto themselves.⁴⁷ The establishment of political solidarity around common adherence to a large private estate is well attested in the epigraphic record as well. One thinks for example of the *vicani vici Annaei*, who dedicated a structure near the Municipium Senta (Ksour-Dzemda) in Proconsularis using money provided them by Q. Geminius Arnensis Sabinus, a highly decorated centurion under Trajan and, presumably, the owner of their estate.⁴⁸ Epigraphic examples can be multiplied. On the island of Zambrah, near Carthage, the *plebs fundi [3]itani* dedicated an enclosure to the goddess Ceres, again attesting to estate tenants claiming quasi-civic status.⁴⁹ The “Vesatenses”, who made a dedication in the 220s on their estate at Bouraoui Belhadef (in Proconsularis) to their landlord, the Roman senator C. Annius Anullinus Geminus Percennianus, show a similar sense of group identity.⁵⁰ Another dedication to Anullinus Percennianus was made at Sidi Bou Skikine by a manager (*actor*) named Maximus, surely a slave.⁵¹ This combination of slave manager and free tenants would seem to offer an early example of a phenomenon much better attested in the fourth through sixth centuries, when slaves were frequently used in high-level managerial positions to supervise farms populated by *coloni*.⁵² But perhaps the best example of this sort of “synoecism” of farm tenants in North Africa comes in the Civitas Faustianensis in Byzacena, where the tenant population of a private estate owned by a Q. Anicius Faustus succeeded in achieving the status of a fully independent city in the early fourth century.⁵³ The strength of tenant communities is thus well attested not just at an economic but also at a political level.

The archaeological record only confirms an impression of ongoing and even expanding economic prosperity in this third-century period, very

⁴⁷ Above n. 12.

⁴⁸ *ILTun* 778–779.

⁴⁹ *CIL* 8: 23022.

⁵⁰ *CIL* 8: 27953 = *ILAlg* 1: 3636; cf. *PIR*² A 633. Anullinus Percennianus is probably the father or grandfather of PLRE I C. Annius Anullinus 3, who is regularly attested as Proconsul Africae in Christian martyr acts of the Great Persecution.

⁵¹ *CIL* 8: 27943 = *ILAlg* 1: 3625.

⁵² See Vera 1992.

⁵³ M'Charek 2003 with Lepelley 1994.

much in contrast with traditional models of third-century collapse.⁵⁴ Peyras has surveyed the North Tunisian farmstead at Bou Assid, known from a dedicatory inscription to have been called the *fundus Aufidianus* (or, by its local name, Biha Belta), and there found ongoing vitality under labor and managerial relations like those seen in the second-century inscriptions from the Bagrada Valley. The estate, which comprised almost 6,400 iugera (1,600 ha), was located in a region that received 550-600 mm of annual rainfall and was thus rich in arable land. It was broken into fifteen habitations: twelve small farms and three larger hamlets. The farms appear to have averaged c. 200 iugera (50ha), about ten times the amount of land necessary to sustain an average family with enough food to survive year to year while paying rent and taxes. The inscription was dedicated by the wife of a *conductor* whose name is now lost but whose achievements included using grafts to bring a number of sterile wild olive trees into production, digging a well, establishing an orchard, and planting new vines.⁵⁵ This was, in other words, precisely the sort of entrepreneurial activity encouraged by the *lex Manciana*, undertaken on what appears to have been a private estate, albeit by a *conductor* rather than his *coloni*. Similar success stories can be told from the epitaphs of other North African *coloni*, an indication that the growth in prosperity so evident in the archaeology reached all the way down to the level of tenant farmers.⁵⁶ This evidence, combined with what we can know about the size of individual tenancies, paints a picture of tremendous prosperity and profitability in what has usually been regarded as a period of economic crisis.

A further indication of the ongoing preference for free tenancy in the region can be found in testimonia for the North African uprising that eventually vaulted the Gordiani onto the throne. When Maximinus Thrax's overzealous procurator of imperial estates in Africa attempted to extort excessive tax and debt payments from the Carthaginian nobility, these mustered their *coloni* from the countryside to form a peasant army, overthrow the procurator, and eventually proclaim Marcus Antonius Gordianus emperor at Thysdrus. Writing shortly after these events,

⁵⁴ See Witschel 1999, 285–306 on the third century as a period of economic flourish in North Africa.

⁵⁵ *AE* 1975.883 with Peyras 1975; 1983.

⁵⁶ See the verse epitaph of *Locustius colonicus* from Mactaris, *CIL* 8: 23427 = *CLE* 1870; cf. *ILTun* 243, the epitaph of Dion, a Christian, who lived 80 years and boasted of having planted 4,000 olive trees—although he is not certain to have been a *colonus*.

Herodian describes the rebel band as consisting of “those cultivating the land” (τὴν γῆν γεωργοῦντας) and “the mass of domestics” (τὸ μὲν πλῆθος τῶν οικετῶν), by which he seems to mean the tenants of the large estates whose owners coordinated the rebellion. This was certainly the understanding of the late fourth-century author of the *Historia Augusta* who reports that the rebel army consisted of “farmers or Africans” (*rusticos vel Afros*) and was “a plebs both urban and rural” (*apud plebem vel urbanam vel rusticanam*).⁵⁷ This was not, in other words, a slave revolt but a peasant uprising, coordinated by Carthaginian landlords using their tenants to muster an army, for, as Herodian reports “Africa is by nature a heavily populated country with many farmworkers on the land.”⁵⁸ The same preference for free tenants on private estates is also hinted at in a letter of Cyprian indicating that he conceived of the dependents of powerful North African *patresfamilias* as tenants (*inquilini et coloni*) rather than slaves.⁵⁹ This is not to deny that Cyprian’s extensive corpus presents evidence for the ongoing presence of chattel slaves in Proconsularis, but nowhere does he attest to their use in agriculture.⁶⁰

Finally, the power of *coloni* to thrive and assert their claims to authority over against the middlemen under whose authority they operated on imperial estates is attested by a rescript of Constantine posted in Carthage on March 9, 319 – *CJ* 11.63.1. This law is best grouped with the third-century evidence because it predates Constantine’s law of 332 (discussed in the next section) which first attests to the binding of *coloni* to their natal soil. As such it would seem to represent a continuation of older traditions as yet unaltered by the harsher normative regime that would shift the dynamic between landlord and tenant in the course of the fourth century. *CJ* 11.63.1 was directed to *emphyteuticarii*, holders of life-long leases on imperial land that were themselves heritable. By the late third or early fourth century, this sort of very-long-term imperial lease had come to replace the five-year leases that governed the *conductores* of the second century, and it left a new breed of middle-men in a position of quasi-ownership akin to that of the *coloni* themselves. The emphyteutic

⁵⁷ Herod. 7.4.2–5; cf. Ioh. Ant. *Hist.* frg. 224 (Roberto) and *SHA Gord.* 7.2–4.

⁵⁸ Herod. 7.4.4: φύσει γὰρ πολυάνθρωπος οὖσα ἡ Λιβύη πολλοὺς εἶχε τοὺς τὴν γῆν γεωργοῦντας.

⁵⁹ Cypr. *Ep.* 55.13.2 (CCSL 3B.270–71): *ille qui inquilinos uel amicos suos ad facinus conpulit et qui inquilinis et colonis pepercit.*

⁶⁰ For chattel slaves in Cyprian see *Ad Demetrianum* 8 (CCSL 3A.39); *De bono patientiae* 6 (CCSL 3A.121); *De lapsis* 25 (CCSL 3A.234); *De mortalitate* 16 (CCSL 3A.25); *Ep.* 11.1.2–3 (CCSL 3B.57).

relationship might well have strengthened the position of these leaseholders vis à vis the *coloni* by guaranteeing their rights to extended control of imperial estates, yet the rescript itself indicates that the tenants were very much still holding their own:

Some *coloni* have been doing harm to *emphyteuticarii* insofar as, contrary to custom (*praeter consuetudinem*), they take over lands which they have not developed by bringing into cultivation, although the tradition (*sollemnitas*) has permitted these to work whatever has been planted up either in olive trees or vines by their own labor. But they are also attempting to use the flowing water from springs whose output is credited to the *emphyteuticarii* alone. Therefore, we have decided that from now on the right and power over these waters should remain with the *emphyteuticarii* and that only so much may be used from it by the *coloni* as is shown to be necessary for the farming of their own lands, which they themselves cultivate. But insofar as there is surplus flow, which they might use above and beyond their own crops, they should offer shares and access points to it to the emphyteutic possessors.⁶¹

Several impressions emerge from this law. First, the provision of the *lex Manciana* permitting *coloni* to gain quasi-ownership rights in the vines and olives which they themselves had planted remained in force into the early fourth century. Second, *coloni* felt sufficiently empowered in their leaseholds to challenge the emphyteutic leaseholders, who technically oversaw them, for control of arable land and water resources that should rightly have been reserved to the *emphyteuticarii*.⁶² Third, still as late as 319, the emperor continued to benefit from the rivalry he had been fostering since at least the early second century between his lessees (*conductores*, and later *emphyteuticarii*) and the tenants they oversaw (the *coloni*). By setting himself up as the mediator between his tenant-managers and tenant-farmers, he succeeded once again in encouraging both groups to compete with one another in devising strategies to maximize their personal profits and in the process maximized his own returns.

⁶¹ *CJ* 11.63.1 (my translation). In my analysis, I follow Vera 1988, 967–71; cf. Courtois et al. 1952, 114–16; Wessel 2003, 111–13.

⁶² Vera 1988, 978–79 is surely right to emphasize that the lifetime leases of the *emphyteuticarii* put them in a much stronger negotiating position vis à vis their tenants than the second-century *conductores*, who generally took five-year leases. Even so, both sorts of long-term leaseholders found their tenants to be a serious match for their authority.

Fourth century

Of course, Constantine's rescript was issued shortly before his famous law of 332 (*CTh* 5.17.1) that represents our first firm evidence of what has been termed the "bound colonate." This is a subject of profound importance over which disputes have raged for centuries. At present scholarly opinion is starkly divided over whether "the colonate" in Late Antiquity represented a definable juridical status or simply a fiscal category meant to register tenants on tax rolls that has been overblown into an imagined quasi-serfdom, little more than a "mythe historiographique." Without being able to enter into the details of this still unresolved debate in this study, I state up front that I hold with more traditionalist interpretations that regard the *ius colonatus* as a new juridical status that, although it was developed only over the course of a century and although it could never be implemented uniformly in a world that was crumbling into a variety of political jurisdictions even as it came into being, nevertheless represented a de facto third legal class of persons halfway between free and slave.⁶³

Regardless of where one stands on the question, Constantine's law of 332 remains important for this investigation as a watershed in relations between tenants and landowners. Whether or not the imperial government was effectively creating a new personal status, it demonstrably was attempting to limit the personal mobility of *coloni* to the estate on which they were born, and this would begin to have profound consequences on the personal freedom and economic potential of late antique tenants.⁶⁴ Of itself the effort to hold tenants on the land of their *origo* represented an important shift from earlier patterns, for where attachment to landed estates had previously been encouraged through the grant of perpetual *usus proprius* over any newly developed marginal land, there had been no requirement that *coloni* or their offspring remain on the land of their birth

⁶³ For the traditionalist view, see Vera 1987; 1992–1993; Mirkovic 1997; Banaji 1997; Giliberti 1999; Sirks 2008. Kehoe 2008, 163–91 takes a middle ground, accepting the overwhelming weight of evidence for legal restrictions on movement by *coloni* and emphasizing its negative impact on agricultural performance, but not treating the colonate as an effective new status. For the argument that the colonate is a mythe historiographique, see Carrié 1982; 1983; 1997; Grey 2007; 2011, also discussed above at n. 5.

⁶⁴ We should not lose sight of the fact that there are indications that some aspects of this policy appear already to have been in place as early as 319, cf. *CTh* 11.7.2 (Nov. 20, 319); *CJ* 11.68.1 (Oct. 7, 325).

(*origo*) in perpetuity. Naturally, the aspirations of the state to lock tenants to their *origo* often faltered in the face of real-world complexities. The source record makes it clear that both the state and private landowners were regularly stymied in their efforts to restrict the mobility as well as the personal, social, and economic freedom of *coloni*.⁶⁵ In response to these complications, however, the imperial government did not abandon its efforts to build out a failsafe legal framework for the restriction of *coloni* but rather redoubled them, refining the principle of binding tenants in at least three ways:

- First, it responded to problems that arose from attempts to circumvent the binding of *coloni* to their estate of origin by forbidding the sale or transfer of land without its *coloni* (*CTh* 13.10.3 = *CJ* 11.48.2 [a. 357]) and by forbidding the division of an estate in order to redistribute its *coloni* in ways that effectively detached them from their *origo* (*CJ* 11.48.7 [a. 367/75]: cf. *CTh* 11.1.26 [Jun. 19, 399]).
- Second, it gradually took steps throughout the course of the fourth century to extend the principle of binding *coloni* into those provinces where this had not yet been the practice (Illyricum = *CJ* 11.53.1 [Jun. 29, 371]; Palestine = *CJ* 11.51.1, cf. *CTh* 5.17.2 = *CJ* 11.64.2 [Oct. 25, 386]).
- Third, it began assimilating the status of bound tenants to that of slaves. In some ways this move was a linguistic sleight-of-hand, as seems to be most clearly attested in a famous law of 393 (*CJ* 11.52.1; cf. *CTh* 13.11.4) which proclaims that *coloni* shall be bound by the law of their origin (*originario iure*) so that, although they appear to be of free condition, “they shall be considered as slaves of the soil on which they were born” (*servi terrae ipsius cui nati sunt aestimentur*). While it has been argued that this statement is more a metaphorical analogy than a legal principle, the logical slippage it represents had practical effects. The assimilation of bound *coloni* to slaves had quite real consequences for the tenant which included at least seven impediments to personal freedom not imposed on other free persons:
 1. Marriages between freedmen (*liberti/ae*) and imperial *coloni/ae* were restricted (*CJ* 6.4.2 [a. 367])

⁶⁵ A fact emphasized throughout the fine study of Grey 2011.

2. The status of *colonus* became heritable across generations (*CJ* 11.52.1 [a. 371]; cf. *CJ* 11.48.13; *CTh* 5.18.1; *Nov. Val.* 31.5-6)
3. Any property acquired and owned by a *colonus* was treated as a precarious grant of his or her landlord under the title of *peculium* (slave property) (*CTh* 5.19.1 [a. 365]; cf. *CTh* 5.19.2; 5.18.1)
4. Landlords were permitted to distraint upon the person of their *colonus* (*CTh* 5.17.1 [a. 332]; cf. *CJ* 11.53.1; *CTh* 14.18.1; 16.5.52.4; 16.5.54.8)
5. Like fugitive slaves, *coloni* who fled their home estate were to be captured and forcibly returned (*CTh* 5.17.1[a. 332]; *CJ* 11.48.8; 11.53.1; *CTh* 5.17.2–3).
6. Criminal or undesirable behavior on the part of free men could result in subjection to the colonate as a judicial penalty—much like enslavement for crimes (*servitus poenae*) (*CTh* 14.18.1 [a. 382])
7. Mechanisms were created for the liberation of *coloni* from their status based in late antique provisions allowing for the acquisition of freedom by slaves through long-term prescription (*CTh* 5.18.1 [a. 419]; cf. *Nov. Val.* 27; 31; 35.18–19; *CJ* 11.48.16).

Thus, regardless of where one stands on the question of whether the agglomeration of impediments imposed on late Roman *coloni* amounted to a discreet and coherently defined new personal status, there can be no doubt that the social and economic power of *coloni* came to be severely impaired by the imposition of new state regulations.

We have very little evidence with which to pinpoint the status or even just the activities of *coloni* in North Africa during the fourth century, when this shift in the status of farm tenants was occurring. We also have almost nothing with which to determine the relative importance of slaves versus *coloni* in the North African agricultural labor pool during this century. Thus, while the mid-fourth century *Expositio totius mundi* claims that Mauretania was a net exporter of slaves, this report says nothing of whether these slaves derived from local estates (which would likely indicate the widespread use of agricultural slavery) or from captive Africans, whether Berber or sub-Saharan. Given that the captivity and sale of black Africans is well documented from at least the second century onward, this latter is the most likely explanation, which makes the

Expositio useless as a source for agricultural slavery in the Maghreb.⁶⁶ In a famous passage of Optatus describing unrest connected with the Donatist controversy in the mid-340s, we learn that in central Numidia in the mid-340s during the uprising of Axido and Fasir masters were afraid to travel public roads since they feared being set upon by their slaves, who seized their carriages and made them run alongside in servile fashion. The passage does not clarify, however, whether these were domestic or agricultural slaves, and a strong argument has even been made that Optatus is most likely describing debt slavery among impoverished tenants rather than chattel slavery as such.⁶⁷ Finally, the only letter of Symmachus firmly attesting to his ownership of an estate in Mauretania Caesariensis says nothing of its labor force. If, however, the evidence from Symmachus's Italian estates is any indicator of his preferences regarding the organization of his agricultural workforce, these are likely to have been *coloni* rather than slaves.⁶⁸

Apart from the law of Constantine of 319 mentioned above (*CJ* 11.63.1), a law that precedes the first solid evidence for the bound colonate by some thirteen years, we have only one fourth-century normative regulation relating to farm tenancy in North Africa specifically: a fragment of a constitution of Valentinian I issued in 366 to the governor of Tripolitania which orders estate holders (*domini*) to accept tax payments from their peasants (*rustici*) in kind and not demand cash (*CJ* 11.48.5). We do, course, have an abundance of laws on the colonate (only a sampling of them is listed above), but most cannot be linked to any specific region. One factor of interest here is that the assimilation of *coloni* to slaves attested more broadly in the normative sources appears to have played itself out at the ground level by making both types of laborer seem

⁶⁶ *Expositio totius mundi* 60 (Sch 124.200). For captive African slaves, see *CIL* 8: 21486 = *ILS* 4495; *CIL* 8: 4508 = 18643; Aug. *Ep.* 199.46 (CSEL 57.284–5).

⁶⁷ Optat. 3.4 (CSEL 26.82): *itinera non poterant esse tutissima, quod domini de vehiculis suis excussi ante mancipia sua dominorum locis sedentia serviliter cucurrerunt. Illorum iudicio et imperio inter dominos et servos condicio mutabatur*. See Shaw 2011, 781–2: “The whole context, which speaks of nothing else, excites the strongest suspicion that these slaves were not chattel slaves (persons owned as property) as is normally thought, but rather debt-slaves who were seeking freedom from the unjust treatment imposed on them by the terms of debt-bondage.... it is most probable that the documents, the *tabulae*, that were being destroyed were records of debts owed by peasant workers to landlords.”

⁶⁸ Symmachus *Ep.* 7.66. Vera 1986, 258–59 shows beyond doubt that Symmachus's Italian labor force consisted largely of *coloni*.

interchangeable on imperial estates. Thus a law of 383 addressed to an eastern Praetorian Prefect forbids older *coloni* from being kicked off of their imperial tenancies and replaced with slaves or new *coloni*.⁶⁹ Thus the emperor in the fourth century continued to intervene in support of the rights of his tenant farmers, much as he had done in the second and third centuries. Ironically, however, in this instance, it was imperial policy itself which had created the circumstances that weakened the position of tenants vis à vis their middleman managers by limiting their freedom of movement and assimilating them ever more to the slaves by whom they were at times replaced. The law cautions against any monolithic assumptions about the exclusive use of *coloni* rather than slaves to farm imperial estates.

Overall, then, the meager harvest of materials for the fourth century rural labor pool in North Africa indicates that not only were slaves by no means the only source of rural labor in the Maghreb, they were likely to have been considerably outnumbered by tenants.⁷⁰

Early fifth century

The effects of imperial policies binding *coloni* to the estates of their *origo* in North African agriculture become fully apparent in the textual and documentary sources for the early fifth century. Both source pools reveal the outcome of three quarters of a century's worth of laws that gradually subordinated a formerly self-assertive and surprisingly independent body of tenant farmers to slaves. On the normative side, this shift is clearest in a set of three laws connected with the Donatist controversy. Beginning in 405 the emperor Honorius began to take a decidedly harsher stance against adherents of this schismatic sect. At the heart of his discomfort with Donatists was their (heretical) sacramental praxis of re-baptizing new adherents. In his zeal to occlude this abomination, Honorius took advantage of the subordination characteristic of fifth-century *coloni* to insist that any estate owners who forced "slaves or personnel subject to their power" (*servos vel homines iuri proprio subditos*) into rebaptism were to have their estates confiscated, and any managers (*conductores* and *procuratores*) who did so without the owner's knowledge were to be

⁶⁹ *CJ* 11.63.3.

⁷⁰ So also Vera 1987. On the empire as a whole, see Vera 2012, aimed directly at Harper's broader thesis. On Italy, see already Vera 1992-1993; cf. Wickham 2005, 259-302.

beaten with lead-tipped whips (*CTh* 16.6.4). The law not only confirms the ongoing use of slaves alongside agricultural tenants in this period but also points to the degree to which the slave/*colonus* equivalency had turned *coloni* into pawns of their masters and managers in the larger sphere of religious politics. The two remaining laws on fifth-century African *coloni* date to 412 and 414 respectively and were introduced in order to enforce the findings of the Council of Carthage in 411 at which it was ordered that all Donatists must reunite with the Catholic church. An elaborate series of fines was established graded according to rank; on this scale, slaves and *coloni* were set on a par and ordered to be converted either through admonitions or, when necessary, regular whippings by their masters.⁷¹ The 414 law changed tack only slightly by ordering smaller but more frequent fines for free men who persisted in their Donatism, but continued to insist on beatings for slaves and *coloni* and confiscations for those latter who refused to cooperate.⁷² Here again, the laws indicate that slaves and *coloni* worked alongside one another on rural estates; that the two were considered rough equivalents; and that as such both were subject to harsh corporal punishment at the hands of landowners and/or managers.

The corpus of Augustine offers confirmation of the manner in which the fifth-century landowner was enlisted as a vehicle to carry out the religious agenda of the Roman church and its secular advocate, the emperor. The circumstantial details Augustine provides also help fill out our understanding of the functioning of land tenure and rural labor organization in the period. His *Letter* 58 of 401 was written to the Roman senator Pammachius to congratulate him on enforcing the adherence of his *coloni* to Catholicism. Not only does this inform us of the collusion between landlord and bishop in the enforcement of Catholic orthodoxy among tenants, it also reconfirms the involvement of Italian elites in North African agriculture and points to a preference for tenant laborers (*coloni*) over slaves on the part of Pammachius.⁷³ A letter of c. 400 to Crispinus,

⁷¹ *CTh* 16.5.52, esp. 4: *Servos etiam dominorum admonitio vel colonos verberum crebrior ictus a prava religione revocabit, ni malunt ipsi ad praedicta dispendia, etiam si sunt catholici, retineri.*

⁷² *CTh* 16.5.54, esp. 8: *Servos vero et colonos cohercicio ab huiusmodi ausibus severissima vindicabit. Ac si coloni verberibus coacti in proposito perduraverint, tunc tertia peculii sui parte multentur.* More on these laws at Vera 1992, 465-67.

⁷³ Aug. *Ep.* 58.1 (CSEL 34.217): *...non tibi tam dilecta catholica unitas foret nec colonos tuos Afros eo terrarum, unde donatistarum furor exortus est, hoc est in media Consulari Numidia constitutos tali admoneres adloquio.* See also Aug. *Ep.* 112.3 (CSEL 34.659), where Augustine encourages another senatorial landlord

the Donatist bishop of Calama, presents the same case from the other side. In it Augustine upbraids his addressee for re-baptizing the farm laborers on an estate called Mappalia over which he had recently acquired possession. Augustine provides further information about the same issue in his treatise *Against the Letter of Petilian* which reports that what Crispinus had actually purchased was not the estate itself but rather the emphyteutic rights to an imperial estate populated by c. 80 *coloni*. From the combination of the two sources a picture emerges of a Donatist bishop's attempts to enforce his own version of Christian religion on an estate he controlled—one technically owned by a Catholic emperor—through the forced rebaptism of its labor force. The letters also make it clear that said labor force consisted entirely of *coloni*.⁷⁴ Crispinus's Mappalia was thus on the same scale as the third century *fundus Aufidianus* mentioned above with its fifteen habitations each of which could support a farmer and his family of approximately five individuals.⁷⁵ Land tenure and labor organization had thus changed very little between the first and fifth century, even if the status and privileges of the tenant farmers who cultivated it most certainly had.

Augustine's letters also confirm that the manipulation of late antique *coloni* did not stop with religious politics. Good old-fashioned fraud and chicanery were also abundantly on show. A striking example of this can be found in letter 247 to a certain Romulus, a landholder in the territory of Hippo Regius, whose agent (*actor*) had collected twice the rent he was actually owed from his *coloni*. Augustine asked that Romulus pity these "wretched and impoverished people" (*miseri et egeni homines*) and return what they did not owe, but his plea appears to have fallen on deaf ears.⁷⁶ Augustine's *New Letter 10** reconfirms the level of poverty to which *coloni* were often reduced when it describes a *colonus* who felt the need to

named Donatus, the former *proconsul Africae*, to enforce the conversion to Catholicism of his dependents (*tuos omnes*)—presumably *coloni*.

⁷⁴ Aug. *Ep.* 66.1–2 (CSEL 34.235) with *C. litt. Petil.* 2.83[184] (CSEL 52.114).

⁷⁵ Compare Gregory the Great's effort to manipulate pagan tenants on the ecclesiastical estates in Sardinia to convert by arbitrarily increasing their rent until they agreed to comply, Greg. Mag. *Ep.* 4.26 (CCSL 140.244). Gregory used similar tricks in Sicily, where he ordered his deacon Cyprian to offer reduced rents to those Manichaeans and Jews who agreed to convert, Greg. Mag. *Ep.* 5.7 (CCSL 140.273).

⁷⁶ Aug. *Ep.* 247.1–3 (CSEL 57.586–8); cf. PCBE I Romulus 2. On this letter, see Cracco Ruggini 1987.

sell his own wife to slave dealers.⁷⁷ Similarly, *New Letter 24** poses a series of questions about the legal implications of a law of Constantine's permitting fathers to sell their children into slavery, or rather long term servitude⁷⁸: if a *colonus* did so, did this trump the claims of the landlord to the child's labor? Could female *colonae* also sell their children? Could landlords sell the children of their *coloni*? Of course, all of this confirms the co-existence of slaves alongside *coloni*, but Augustine's concerns in the letter seem to be that the sale of *colonus* children would extract them from the rural labor force of their landlord altogether. Indeed, the whole import of the *New Letter 10** is that many of Hippo's peasants had been precipitously captured or bought by Galatian slave traders (*mangones*) for export out of Africa. African *coloni* were not, then, being recycled to serve as slaves on other local estates. Rather an African labor force consisting primarily of *coloni* was being enslaved for resale in other regions.

A slightly more sanguine picture emerges from *New Letter 20** which describes how the *coloni* on the *fundus Thogonoetensis*, yet another African estate under the ownership of an absentee senatorial landholder, exercised at least some power over their own destiny by threatening to flee en masse if they were assigned the infamous swindler Antoninus of Fussala as their bishop.⁷⁹ Here again, we have confirmation that tenancy remained the primary mode for organizing agricultural labor on large estates in North Africa, and we catch at least a glimpse of the same self-assertiveness we witnessed in tenants of an earlier age.

Even so, as *New Letters 10** and *24** indicate, the line between slave and *colonus* had become quite blurred. There is confirmation for the same from a letter composed by a middling aristocrat from the town of Matar (modern Mateur) in Proconsularis and preserved in manuscripts of Orosius.⁸⁰ This text reveals that its anonymous author had an ongoing dispute with a certain Salvius, an advocate, who laid claim to all or some of the *coloni* on the author's estate, the *fundus Volusianus*. These lived in mortal fear of being separated from their natal soil in a pending court case, leading the letter writer to plead with Salvius to settle the dispute

⁷⁷ Aug. *Ep.* 10*.6 (CSEL 88.46–51). See also Cass. *Var.* 8.33 (CCSL 96.340–1) which describes a rural fair in Lucania where *rusticani* were known to have sold their children into slavery.

⁷⁸ Aug. *Ep.* 24*.1 (CSEL 88.126) with Lepelley 1983. Constantine first permits child sale with *CTh* 5.10.1 and *CJ* 4.43.2 (a. 329).

⁷⁹ Aug. *Ep.* 20*.9–21 (CSEL 88.100–106). See also *Ep.* 20*.29 (CSEL 88.110) which confirms that Antoninus also used rental tenancy for the land he managed.

⁸⁰ Lepelley 1989.

amicably. Here we have yet another detailed source confirming the picture supplied by Augustine of a fundamental reliance on a tenant labor force that was, nevertheless, so tightly bound to their *origo* that they could be forcibly relocated as the result of a judicial ruling.

Finally, as if we needed further evidence of the same pattern, in his description of the Donatist Crispinus of Calama's attack on his rival Catholic bishop Possidius at the *fundus Olivetensis*, Augustine makes it clear that this estate was also populated with *coloni*.⁸¹ So too, in his discussions of the ecclesiastical estate of Hippo he describes at *Ep.* 35 and of a Numidian farm called the *fundus Strabonianensis* mentioned at *Ep.* 65, Augustine mentions only free tenant farmers.⁸²

When we arrive at the detailed information for rural labor management provided by the corpus of Augustine and other early fifth century sources, the conclusion is thus inescapable that the prevailing form of labor organization was tenancy. Fundamentally, then, *coloni* rather than slaves worked North African agricultural estates in the age of Augustine. To be sure, when subsistence crises or cash scarcity necessitated, the abundant supply of *coloni* could be capitalized as human chattel—as the *New Letters* reveal—but the demographic basis of rural labor consisted of bound tenants.

To say this is not to deny that slaves were still used in fifth-century African agriculture. In the laws on Donatism described above, we have seen that the emperor and his agents conceived of slaves and *coloni* as equally probable laborers on North African agricultural estates.⁸³ In several narrative passages, Augustine himself also assumes that both slaves and *coloni* could be used to cultivate farmsteads.⁸⁴ Thus, in a sermon defending two of his newly appointed sub-deacons for having heretofore failed to liquidate their landed property despite ordination, Augustine mentions that both had slaves (*mancipia*) who, we can assume, were used to cultivate that property. Indeed, Jerzy Kolendo has argued that small to medium-sized landholders regularly used their moderate *familiae*

⁸¹ Aug. *Ep.* 105.4 (CSEL 34.598): *nisi tertio suppositas flammis coloni eiusdem fundi propter periculum suae salutis extinguerent*; cf. *Cresc.* 3.46[50] (CSEL 52.458).

⁸² Aug. *Ep.* 35.4 (CSEL 34.30–31). For the *fundus Strabonianensis*, see *Ep.* 65.1 (CSEL 34.323–33).

⁸³ See above nn. 71–73.

⁸⁴ See E.g. Aug. *En. in Ps.* 34(1).12 (CCSL 38.308): *si possessionum es amator, desideraturus es totam terram, ut omnes qui nascuntur, coloni tui aut serui tui sint*; Aug. *C. Adim.* 15 (CSEL 25.159); *En. in Ps.* 80.9 (CCSL 39.1125).

for cultivation in addition to the variety of domestic tasks assigned them.⁸⁵ There are also the oft repeated passages from the Latin *Life of Melania the Younger* reporting how this super-rich heiress and her blue-blooded husband Pinianus sought to liquidate their worldly wealth, including estates in Numidia, Mauretania, and Africa Proconsularis, along with their slaves. The astronomically high number of slaves the early fifth-century writer Palladius claims Melania manumitted (8,000) does not, however, appear to have come substantially from her African estates. Instead, the author of her Latin *Vita* reports, she and Pinianus settled the slaves they freed from North African estates in a monastery they founded in Thagaste, where they numbered 130 women and 80 men. If these figures represent the total from their slaveholdings in the region, as seems to be the author's implication, this would have represented a relatively small workforce – enough to populate two *latifundia*, or perhaps more likely, the domestic staff from a larger number of estates whose primary agricultural workforces consisted of *coloni*.⁸⁶

The overall impression we get from the flood of early fifth-century material, and particularly from Augustine's extensive and circumstantially detailed corpus, is that *coloni* were considerably more important than slaves as agricultural workers by this point in the history of the region. In fact, in every instance but one in which Augustine describes in any detail the labor force of an actual early fifth-century North African estate, agricultural manpower appears to have consisted entirely of *coloni*.⁸⁷ To be sure, Augustine takes great delight in discussing slaves and slavery in his many exegetical descriptions of scripture, and these often build on metaphors and parables involving agricultural slavery that had been knitted into the fabric of Christian scripture and exegesis since the

⁸⁵ Aug. *Serm.* 356.3 (PL 39.1575–76) with Kolendo 1991, 43; cf. Génelle 2005, 426–29.

⁸⁶ *Vita Melaniae Latina* 20-22 (Laurence pp. 190-96); cf. *Gerontius Vita Melaniae Graeca* 20-22 (SCh 90.168-72). For the report of 8,000 manumissions, see Pall. *Hist. Laus.* 61 (Butler 156).

⁸⁷ Aug. *Civ. Dei* 22.8 speaks of a *fundus Zubedi* that appears to have been populated with both slaves and tenants. It is not clear, however, that slaves worked the fields there rather than performing domestic services. In fact, *En. In Ps.* 79.10 (CCSL 39.1116) would seem to imply that a slave was inclined to function as an estate messenger while *coloni* did the agricultural work. Harper 2011, 184 quotes *En. In Ps.* 103(3).9 (CCSL 40.1506–7) as an example of agricultural slavery, but the passage seems rather to treat household slavery in an urban dwelling (*domus*).

composition of the Gospels.⁸⁸ But in descriptions focusing on the circumstantial details of real North African estates—the nuts and bolts cases with which Augustine regularly dealt in his pastoral and juridical capacities—tenancy appears to have been the predominant model, albeit the tenancy of *coloni* whose status had been reduced to little more than slavery. This is important because much of Harper’s argument for the ongoing survival of Rome’s “slave society” in the late antique West is built on evidence from the corpus of Augustine. However, not only is direct testimony of the use of slaves in agriculture relatively thin in Augustine, the evidence for the primary reliance on *coloni* as farm workers is frankly overwhelming. It is only Harper’s choice not to examine this evidence that has led him to argue otherwise.

Vandalic period

The Vandalic takeover of North Africa in the 430s by all means ushered in a shift in political structures, but the question has long remained, did this have any measureable effect on economic and social relations. Current scholarly opinion tends to emphasize continuities with the Roman past, and these are certainly evident in the sources.⁸⁹ There is some indication, however, that at least in terms of land tenure and labor management, significant changes occurred. At a minimum, there is almost no way for scholars to deny the ample testimony that the Vandals expropriated property from a large number of elite land-holders.⁹⁰ Moreover, there is abundant evidence that the Vandals enslaved many Roman residents of North Africa in the period of their conquest. To be sure, most of our sources on the matter point to the enslavement of members of the elite, but there are also indications that captive taking and enslavement occurred on a more generalized level.⁹¹ In the years following, enslavement was used

⁸⁸ For a full list of Augustine’s repeated references to slaves and slavery, the vast majority metaphorical, see Klein 1988.

⁸⁹ Merrills, and Miles 2010; Conant 2012; Modéran 2014.

⁹⁰ Modéran 2002.

⁹¹ Captivity of elites: Vict. Vit. *Hist.* 1.13–14; Procop. *Bell.* 3.5.11; Prosp. Tiro *Chron.* 1339 (s.a. 439) (MGH AA 9.477). General captivity: *Nov. Val.* 13.14; Possidius *Vita Augustini* 28; 30.3–14; Quodvultdeus *De tempore barbarico* 2.1.1–3, 5.2–23 (CCSL 60.473, 476–77); Salvian. *Gub.* 6.12.69–70 (CSEL 8.144–45). Geiseric also enslaved captives seized after Aspar’s failed expedition against his kingdom in 434, Procop. *Bell.* 3.4.2–3; Evag. Schol. *HE* 2.1 (Bidez and Parmentier pp. 37–38).

by the Vandals as a standard form of punishment,⁹² slaves were also imported through trade,⁹³ and, above all the Vandals engaged in regular raids on the coasts of Sicily, Lucania, Bruttium, Campania, Illyricum, the Peloponnesus, and the Aegean islands, which netted not just plunder but also large numbers of captives.⁹⁴ Most notorious among their targets was of course Rome, whose capture in 455 yielded not only massive amounts of plunder but also “many thousands of captives” including the empress Eudoxia.⁹⁵ Victor of Vita records that these Roman captives were transported by sea back to Carthage, where they proved to be so numerous that two sizable basilicas were set aside as corrals to manage them until they could be redistributed to slaveowners.⁹⁶ Some of these wound up on Mediterranean slave markets. We know, for example, of a western aristocrat named Maria who was sold together with her handmaid to merchants that eventually resold her in Syria.⁹⁷ Other victims of Vandal raiding expeditions, however, were likely deployed in North African agriculture.

The evidence for the use of agricultural slaves by the Vandals is, like the evidence for the Vandal kingdom more broadly, tenuous. Victor of Vita does report that, as part of his general persecution of Nicenes, Huneric enslaved Catholics working in his court and sent them to Utica to labor in the fields.⁹⁸ He is also said to have punished a certain Gamuth, brother of Heldica, by sending him to the countryside to cut sod and plant vines, probably as a slave.⁹⁹ More tellingly, Procopius reports that in the

⁹² Vict. Vit. *Hist.* 1.43–46; 2.10–11; 2.15–16; cf. 3.62.

⁹³ Fulg. Rusp. *Ep.* 11–12 (CCSL 91.360–63); cf. Procop. *Bell.* 3.10.25–34.

⁹⁴ For raids reported explicitly as having netted captives, see Procop. *Bell.* 3.5.22–23; Malchus *Hist.* fr. 5 (Blockley = *Exc de Leg. Rom.* 3); Gelasius *Ep.* 17 (Thiel 381); Priscus *Exc.* 30.3 (Carolla = Blockley 39.1 = *Exc. De Leg. Gent.* 14).

⁹⁵ Prosp. Tiro *Chron.* 1375 (s.a. 455) (MGH.AA 9.484): *multaque milia captivorum, prout quique aut aetate aut arte placuerunt, cum regina et filiabus eius Cartaginem abducta sunt*; Victor Tun. *Chron.* 15 (CCSL 173A.7–8).

⁹⁶ Vict. Vit. *Hist.* 1.24–27; cf. 1.30–38.

⁹⁷ Theod. *Ep. Sirm.* 70 (SCh 98.152–4), datable to 443/448. During his persecution of Nicenes, Huneric also traded away catholic monks and nuns as slaves to the Mauri, *Passio Beatissimorum martyrum qui apud Carthaginem passi sunt sub rege Hunirico* 2 (Lancel 2002, 213–14). He also sold Manichaean heretics as slaves in order to buy ships, Vict. Vit. *Hist.* 2.1.

⁹⁸ Vict. Vit. *Hist.* 2.10.

⁹⁹ Vict. Vit. *Hist.* 2.15–16. Conant 2012: 102–3 interprets these as incidents of mere exile, but the aspect of forced labor makes it clear that some form of penal slavery was involved.

second year after the East Roman reconquest of the Vandalic kingdom, a revolt arose in large part because Roman soldiers stationed in North Africa had married Vandalic women who were then asserting their claims over the land their families had once farmed; this occasioned trouble when Justinian's general Solomon reported his willingness to grant them control of these women's money and slaves but not the land, which he ordered to be surrendered to the emperor.¹⁰⁰ The implication seems to be that the farms were cultivated for their Vandal owners by slaves. In the passage that follows, Procopius reports that the resultant uprising, led by the native general Stotzas, was bolstered by the participation of many of these slaves in the armies of their former masters.¹⁰¹ It would seem, then, that this period of intensive slaving on the part of the Vandals led to an intensification in the use of slave labor in regional agriculture. If so this would be entirely in keeping with historical patterns—ancient and modern—that have witnessed the intensification of slave labor in periods that saw quantum leaps in captive taking.

Despite this turn to slave labor, the Vandals also surely maintained tenancy as an established method for exploiting the estates which they had taken over from their Roman predecessors. We have one piece of textual evidence that confirms this, a passage in Victor of Vita reporting that Huneric punished Catholic clergy who had attempted to placate him by swearing an oath of loyalty—contrary to the Gospel prohibition against swearing at Matt 5:13—by condemning them to serve as *coloni* in the fields of North Africa. Interestingly, those who refused the oath were punished with exile to Corsica, where they served as penal slaves cutting timber.¹⁰² Huneric's persecutions also led to the enactment of a decree to punish *procuratores* and *conductores* on royal estates (*regalia praedia*) with a doubling of their rent payments, an indication that farm management had changed little on estates belonging to the crown, even if we cannot confirm whether the laborers on these farmsteads were slave or free.¹⁰³

¹⁰⁰ Procop. *Bell.* 4.14.8–10.

¹⁰¹ Procop. *Bell.* 4.15.3–4. Fulgent. *Rusp. Serm.* 1.1–3 (CCSL 91A.889–90) also points to the use of agricultural slavery in Vandalic Africa, but in an exegetical passage that cannot be firmly associated with a particular estate.

¹⁰² Vict. Vit. *Hist.* 3.19–20. The Corsican exiles appear to have numbered just 46 if these are to be associated with the catalog in the *Notitia Provinciarum et Civitatum Africae*, Lancel 2002, 252–72.

¹⁰³ Vict. Vit. *Hist.* 3.11.

There are, however, clearer indications of the ongoing importance of tenancy in the fascinating documents known as the Albertini Tablets, discovered in 1928 not far from Tebessa in eastern Algeria. These record purchase transactions from a variety of tenants on the *fundus Tuletianos* in the 490s. One actually attests to the acquisition of a six-year-old slave boy,¹⁰⁴ but most record the sale of small parcels of land together with their fruit trees—primarily olives, but also vines, pistachios, and almonds. One document seems to confirm that the tenants involved continued to pay rent shares.¹⁰⁵ Interestingly, the tenants generally refer to themselves as citizens (*civis*, or more commonly *cibis*) of the *fundus Tuletianos*, very much in keeping with earlier testimonies to the assumption of a quasi-civic status based on attachment to a farmstead that we witnessed in Agennius Urbicus and various epigraphic testimonia. An even more striking point of continuity can be found in the fact that in some 13 of the total of 34 tablets the tenants refer to their holdings as “Mancian cultivations.”¹⁰⁶ This curious survival makes it clear that, well into the Vandalic period, tenants not only continued to operate as producers on rural estates but also clung to earlier Roman normative regulations that guaranteed their ownership rights over the *usus proprius* of the plantations they or their ancestors initiated.

The Vandals may then have intensified the employment of slaves in their century of rule in North Africa, but tenancy clearly remained a major method of organizing rural labor. Insofar as this is true, any model that assumes the strength of the Roman economy was the primary driver of intensification in the use of agricultural slavery must be revised. The violence inherent in the Vandal takeover of Africa is well attested, and despite Vandalic efforts to maintain political and economic continuities with their Roman predecessors, it surely led to a temporary increase in the percentage of slaves in the North African population. While it is unlikely these overtook tenants as the primary producers of surplus for the elite, we at least have stronger indications in this direction than for previous

¹⁰⁴ *Tab. Albertini* 2 (Jun. 5, 494) at Courtois et al 1952, 216–17.

¹⁰⁵ *Tab. Albertini* 26, at Courtois et al 1952, 288: *ita placuit ut secundum quod est in conditionem quod in polepticos clarit fici arbores quindecim annos quinque / et olibe arbores quindecim ut exsudet pensionem s(oluat).*

¹⁰⁶ *Ex culturis suis mancianis: Tab. Albertini* 4, 9, 10, 11, 12, 13, 14, 17, 19, 20, 22, 23, 24. More on the tablets at Dossey 2010, 119–20; Conant 2012, 281–83, with earlier bibliography. Already in the late second century we have attestations to tenants making express claims to Mancian tenancy, *ILTun* 629 = *AE* 1938, 72: *C(aius) Aufidius Utilis Manciane cultor.*

centuries after one discounts for the paucity of information about Vandal North Africa.

Sixth century

With the Roman reconquest of North Africa in 533–534, we witness an effort on the part of the eastern court to reestablish the bound colonate as the dominant mode of agricultural production in the region. One can already get an inkling of this preference of the Roman government for the structuring of rural labor around tenancy rather than slavery in two fascinating documents from the reign of Valentinian III. Both were designed to restore fiscal stability and repopulate imperial estates in the provinces of Mauretania Sitifensis, Mauretania Caesariensis, and Numidia Constantina after these had been retroceded to the imperial government by the Vandals in a treaty of 442. In the first, *Novel* 13 of 445, Valentinian radically cut tribute rates in these provinces by seven–eighths and offered a variety of further indulgences to recalibrate tax and service burdens, including strictly forbidding the ordination or military enlistment of tenants because of the current “scarcity of *coloni*” (13.8: *raritate colonorum*). More tellingly still, in his *Novel* 34 of 451, Valentinian ordered:

And in the province of Sitifensis and Caesariensis, estates under emphyteutic law and those belonging to the imperial fisc which had fallen to neighboring dwellers after the destruction by the Vandals and are today possessed by various people, I decree should be taken away from these same and under that form of apportionment by which they are now held (*sub eo pensationis modo, quo nunc tenentur*), and with any imperial rescripts being held in abeyance, they should be rented to *honorati* from the provinces of Proconsularis and Byzacena, whom we know to have been expelled from their own homes when their properties, which were confiscated, were taken away by the barbarians.¹⁰⁷

Valentinian was thus struggling to re-impose upon imperial holdings as quickly as possible the age old system of long-term tenancies, presumably under the *lex Manciana*. He believed he could implement this goal using elite landholders who had been displaced from what had now become the heart of the new Vandal kingdom in Proconsularis and Byzacena. In other

¹⁰⁷ *Nov. Val.* 34.3 (a. 451); cf. *Vit. Hist.* 1.14 on the exile of bishops, *clari* and *honorati* by the Vandals.

words, the western emperor wished to revive the system of elite management of his imperial estates by transplanting *conductores* and *emphyteuticarii* from Proconsularis to Mauretania where they could continue the time-tested pattern of overseeing tenancies populated by share-cropping *coloni*.

Much the same occurred in the aftermath of the Justinianic reconquest of the sixth century. By this point the extent of the disruption to traditional patterns created by a century of Vandalic rule in Proconsularis and Byzacena was much clearer. This we learn from two *Novels* of Justinian, the first of which is dated to 552 and addressed to the Praetorian Prefect of Africa Paulus. Paulus is informed that those *coloni* who had escaped from their status while under the Vandals were not to be recalled to their estates, but that those who had merely moved from one estate to another were to be recalled to their original holdings.¹⁰⁸ A second law, dated to 558, reaffirms the first principle, which landowners had been attempting to circumvent, by restating that all those held as *coloni* who had gained their freedom or been ordained clerics before the arrival of Justinian's armies were to remain in freedom.¹⁰⁹ These provisions would seem to confirm the theory elaborated above that the Vandals neglected the complex normative rules governing tenancy—rules that had been further complicated with the introduction of the bound colonate—in favor of alternative modes of labor organization, especially slavery. Where tenancy could still continue on its own momentum, as on the *fundus Tuletianos*, whose tenants still benefitted from the advantages offered by the ongoing maintenance of their Mancian leases, it did so. But the complexities of the bound colonate and the restrictions it placed on the freedom of tenants had been furnishing an incentive to flight already for a century when the Vandals arrived, and the much looser fiscal and normative apparatus that the Vandals then introduced had opened the door to a mass exodus of *coloni* from their bound tenancies.

The efforts by Justinian to prop up this system were thus unlikely to have enjoyed much success. A law of Justin II dated to 570 shows evidence of the ongoing struggle to hold together a system of fiscal registration that had largely collapsed.¹¹⁰ It contends that African estates had been deserted of their owners because of a law granting freeborn

¹⁰⁸ *Nov. Just. App.* 6 (Schöll / Kroll p. 799).

¹⁰⁹ *Nov. Just. App.* 9 (Schöll / Kroll p. 803).

¹¹⁰ *Nov. Post. Just. Coll.* 1 No. 6 (570, Mar. 1) (Zachariä von Lingenthal ed., at Zepos and Zepos 1: 10–11).

status to any children born of a freeborn woman and a male *adscripticius* (registered *colonus*). The law attempts to correct this problem by permitting such children to remain free of *colonus* status but insisting that they still abide as laborers on the farms on which they had been born. This new solution would obviously have had limited effect, a fact confirmed by the issuance of a rescript by Maurice Tiberius in 582 reasserting the old principle that the children of a free woman and a male *colonus* were to be born *coloni*.¹¹¹ The bound colonate had thus unraveled into chaos, even if the east Roman state continued to struggle mightily to hold it together.¹¹² Meanwhile evidence for the use of slaves in this period is nowhere to be found. The source record for Byzantine North Africa is thin enough that this should not be taken as an indication of the absence of slaves. Nevertheless, it does reconfirm the impression made abundantly clear throughout this study that slavery always played a secondary role behind tenancy in agricultural production in Roman North Africa.

Conclusion

Beyond this series of sixth-century legal pronouncements we can no longer say precisely what became of a system that was clearly straining under its own weight. Whether the bound colonate and its attendant fiscal structures survived to the eve of the Arab conquest remains unknown. What is certain is that the penchant toward peasant tenancy rather than slave labor had a long and enduring history in North Africa. In only two of the six centuries covered in this study do we have relatively abundant evidence for the use of agricultural slavery, the second and the later fifth-early sixth. Even in these periods, however, tenancy is well attested in solid documentary sources that make it clear that it certainly competed both demographically and economically with slavery as a reliable generator of surplus.

Nowhere is the heavy reliance on tenancy more apparent than in the early fifth century world of Augustine, precisely the context Harper has singled out as a bellwether of a thriving “slave society” in the late antique West. Augustine’s high resolution details on the personnel of numerous early fifth-century farmsteads leaves no room for doubt that tenancy far

¹¹¹ *Nov. Post. Just. Coll.* 1 No. 13 (582, Aug. 11) (Zachariä von Lingenthal ed., at Zepos and Zepos 1: 24).

¹¹² Fentress et al. 2004 note a general decline in archaeological evidence for settlement in North African in the sixth century.

outpaced slavery as the primary mode of labor organization in this context. The fact that Augustine was operating in an environment in which the bound colonate was already fully fledged allows us, however, to catch a glimpse of the strains this new system of fiscal registration and personal limitation was putting on social and economic relations. The arrival of the Vandals, who appear to have relied more heavily on slave labor than their Roman predecessors, further pointed to cracks in a system so complex and restrictive that it could only survive in an environment with tight state control. Thus, when the Roman state regained western North Africa in the mid fifth century and central North Africa in the mid sixth, it worked to impose a reversion to the old model of bound tenancy, but the complications and weaknesses of the late Roman colonate remain evident in our limited source record. Some version of bound tenancy would of course continue to be maintained in the Byzantine East down to the fifteenth century, but North African is more likely gradually to have settled back into the less restrictive—but also more productive—forms of tenancy developed already in the first and second centuries CE that had helped foster the economic boom of the second through fifth centuries.

Ultimately, Africa remained throughout its history a land of agricultural tenancy with relatively self-assertive peasant laborers. The Romans appear not only to have accepted this reality but also to have fostered it, for the liberal land tenure arrangements developed through the *lex Manciana* made tenancy more adaptable and productive than slavery in the Maghreb's highly varied landscape with its limited water resources. While some landholders certainly deployed slaves on their estates, they appear never to have attempted to shift the economy toward productive strategies that relied predominantly on slave labor. Instead, tenancy is attested over and over again as the primary mode of organizing farm labor, while there is essentially no evidence that Roman North Africa was ever a "slave society" in anything like the sense described by Finley.

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