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# Slaves, *Coloni*, and Status Confusion in the Late Roman Empire

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# Journal

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# Slaves, *Coloni*, and Status Confusion in the Late Roman Empire

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## INTRODUCTION

From the dawn of the Roman Empire, slavery played a major and essential role in Roman society. While slavery never completely disappeared from ancient Roman society, its position in the Roman economy shifted at the beginning of the period called Late Antiquity (14 CE–500 CE). At this time, the slave system of the Roman world adjusted to a new category of labor. Overall, the numbers of slaves declined, an event that historian Ramsey MacMullen, drawing from legal debates and legislation of the period, attributes to the accumulation of debt and poverty among Roman citizens in the third century CE. One effect of this debt accumulation was that many free individuals sold themselves into an indentured state, particularly during the years 225–325 CE. In so doing, they counteracted the “decline” of slavery with a rapidly expanding body of laborers who were technically “free” but who occupied the social—and eventually the legal—status of slaves (MacMullen, “Late Roman Slavery” 380).

The slave's role in Late Antiquity has been the subject of many past interpretations. Although the later Roman world experienced a decrease in the overall number of slaves, the effect of this decrease was hugely significant in terms of the amount of status confusion it generated amongst the lower classes. Previous generalizations assert that the status of the free poor created somewhat of a semi-servile class. Scholars have recognized that among the slave population existed a great number of slaves who were neither captured in war nor born to slave mothers and so were wrongfully labeled as slaves. An example may be found in the *Theodosian Code* (CT), a codification of law compiled in 438 AD under the emperor Theodosius II. The law found in CT 5.9.1 explains that should a person raise an exposed child, a child cast out of its home, then that person is free to choose the status of that child, free or poor (109). This law indicates the number of people who counted as slaves but did not actually belong in such a category. Adding to the scholarly discussion of the diminishing status of the free poor in the Roman world, this current study investigates the significance of status confusion that this situation would have had within the lower classes.

Slaves were not absent from the social system of the late Roman world. A large number of people lived at a subsistence level or even lower, thus maintaining an existence that closely resembled that of official slaves. These strictly economic circumstances in effect created a large lower social class that worked alongside slaves. As the two classes mixed among each other, the distinction between free and slave became increasingly muddled, especially within the context of both how large these populations were and how widespread throughout the empire. This muddling manifested itself in different aspects of Roman social life, including the slave's role in the Roman family, the complications surrounding mixed unions, the contradictions of such unions in law and practice, and the emergence of a new labor class, the *coloni*. Altogether, this confusion of roles demonstrates how the social status and distinct identities of the lower classes became increasingly blurry during the late empire. Though this confusion was most prevalent among the lower classes, it also affected the upper classes.

## HISTORIOGRAPHY

The debate on the location and the importance of slavery in the Roman world continues despite the general consensus that from its origins in the Republic up into Late Antiquity, slavery remained for the most part an integral component of Roman life. The origins of Rome as a "slave society" are usually

traced to the rapid territorial expansion of the Roman state and its constant engagement in warfare from the mid-Republic up through the Empire. This level of war led to a rise of large agricultural estates, which led in turn to a need for a “constant supply of slaves” and thus further warfare (Cunliffe 77). This circularity created a constant influx of slaves, and thus slaves composed a heart of Roman life from the late fourth century BCE on. As Roman estates grew in size, slavery became “the only efficient way to work” them (Cunliffe 79).

Warfare thus generated the bulk of the slave supply. The numbers do not always clearly depict the proportion of the conquered populations the Romans sold into slavery, but some estimates have been recorded by both ancient and modern authors. For example, after the Third Macedonian War (171–68 BCE), Rome enslaved 150,000 men, women and children (Faulkner 98). In particular, the multitude of wars that Rome engaged in after the Second Punic War (218–201 BCE) increased the slave supply so much that estimates suggest that by the late first century BCE, Italy and Sicily alone contained two or three million slaves (Faulkner 98). Expansion of the Roman state in the mid-to-late Republic brought the largest number of slaves into Roman society. From 225 BCE to 31 BCE, slaves grew from representing 15 percent of the population to 35 percent (Hopkins, *Conquerors* 101). According to the estimates made by Keith Hopkins, at the end of the first century BCE the empire contained approximately two million slaves out of a total population of six million (Hopkins, *Conquerors* 102). William D. Phillips has suggested that the ratio of slave to free may have been even greater, estimating that there were about two million slaves and about four million in the free population by the end of the republic (18). Slavery’s place in Roman society was decided over the course of the Roman Republic would lay down the foundations for what would become the Roman Empire.

Turning to the status of slavery during Late Antiquity, most scholars since the 1960s have argued that slavery experienced a major decline in Late Antiquity until it manifested itself in a different form of labor, the *coloni*. M. I. Finley demonstrated that the decline of slavery, particularly after the second century CE, resulted not from a rise in the price of slaves but from a gradual decline in slave numbers, and he simultaneously argued for a shift in the characterization of the labor force, thus the rise of the *coloni*, labor that emerged in the form of tenancy; according to Finley, the degradation in status of the free poor created an entirely new labor force (124–42).

Following Finley’s revelations, scholars, notably C. R. Whittaker, took issue with his theories on the number of slaves that continued to exist, arguing

that they could never be quantified (88–122). Whittaker also rejected Finley’s argument that slavery had merely changed into a different form of labor (97–100). He argued that slavery continued to exist through Late Antiquity and that the “impression” of such a transformation having occurred as Finley suggested was “not overwhelming.” He further argued that the references to slaves and freedmen in the *Digest*, a collection of texts dating before the fourth century, occur about three times as often as from “the one hundred years after [CE] 193 (the period of supposed decline) as from the three hundred years before” and that slave legislation comprises 51 of the 154 articles in the Edict of Theodoric, a barbarian code, also citing multiple mass manumissions recorded in Late Antiquity like those of Melania, who manumitted 8,000 of her slaves in one day (96, 129). Whittaker could not make sense of the claim that the supply of slaves had declined given the “more or less non-stop wars of the third century to fourth century” nor that the price of slaves should have influenced the rise of the *coloni* (97). Whittaker came to his conclusions by denouncing Finley’s assumption that a decline of cities led to a decline of purchasing of slaves, for such a decline of the cities is now “less obvious or uniform in the Later Roman Empire than was once believed and . . . it is difficult to know just how much weight to give this factor” (100).

Ramsay MacMullen reignited the debate on whether slavery was predominantly an urban or rural phenomenon. Using epigraphical sources, he provided a wide survey of each province to observe slave numbers and the role of slave labor in the Roman economy. He concluded that slavery was absent in a majority of the rural areas surveyed and only made up a slightly larger percentage in urban cities (“Late Roman Slavery” 378–82). Ross Samson reinterpreted MacMullen’s epigraphical sources and found his claims to be ill-founded, arguing for a strong slave presence in rural areas. Samson’s reinterpretation of those epigraphical sources along with layouts of villas and potential slave quarters constituted his argument for a strong presence of slaves on Roman villas (99–110).

The two-to-one ratio of slaves to free persons that may have been in place at the end of the Republic in the late first century BCE is higher than what is thought to have existed in the later phases of the empire and at the beginning of Late Antiquity. Even so, recent studies have indicated that slavery may not have declined nearly so steeply as suggested by earlier studies like those of Finley and Hopkins. Kyle Harper, for example, has argued that slavery was still pervasive throughout Roman society during the late Roman Empire, specifically during the period between 275 and 425 CE, although he provides a

large emphasis on the fourth century (Harper, *Slavery* 3–4). Drawing a great deal from Walter Scheidel’s studies on the slave population in the later Roman Empire as well as other historians, Harper is able to construct a sense of the nature and the dispersion of the late Roman slave population (*Slavery* 59). Table 1 exemplifies Harper’s claim of slavery’s pervasiveness in Roman society during the late Roman Empire.

Table 1 portrays how common it was to own at least one slave and also the rather large number of persons still in servitude. If we presume the lowest and highest ends of the range for the slave-owning category, then the slave population would amount to 2.33 million to 9.65 million slaves, or 4.6 to 19.3 percent of the population (59). The wealthiest of the population owned 49 percent of the slaves, or the bottom 5 percent of the population (59–60).

Harper uses three broad tiers of wealth and income to initially distinguish Roman imperial society, based on a study by Scheidel and Friesen (Harper, *Slavery* 55; Scheidel and Friesen 61–91). These tiers include the elite (Senators, Equestrians, Decurions), middling (Bourgeois, Agricultural), and subsistence. The middling households accounted for 6–12 percent of the population, and Harper holds that the number fell closer to the 12 percent range in the fourth century (*Slavery* 55–56). Harper assumes an imperial population in the fourth century of 50 million and a 15 percent urbanization rate, which amounted to 1.875 million urban households in the “late empire” (*Slavery* 56). Assuming one-fifth of those households were middling, then 30 percent of all middling households were urban and the remaining 70 percent were in the countryside (Harper, *Slavery* 56). “To own no slaves was a mark of destitution, of social irrelevance—a sign that the household had fallen out of the middling ranks, into that 88 percent of the population” living near subsistence (Harper, *Slavery* 56).

**TABLE 1. QUANTIFYING THE NUMBER OF SLAVES IN THE LATE ROMAN EMPIRE (HARPER, *SLAVERY* 59)**

Category	% of Population	Range of Slave-Holdings	Average No. of Slaves	No. of Households	Total No. of Slaves
Illustrious	0.0048	100s–1000s	250	600	150,000
Elite	1.36	6 to 20s	20 (core) 6 (periphery)	85,000 85,000	1,700,000 510,000
Bourgeois	3.0	1 to 5	2	375,000	750,000
Agricultural	7.0	1 to 5	2	875,000	1,750,000

The distribution of the Roman population provided by Harper helps explain the abundant literary record of sub-elite slave ownership (*Slavery* 56). Though clearly not at the same dominating demographic level that had characterized the late Republic, slaves comprised at least ten percent of the Roman population, or nearly 5 million people (Harper, *Slavery* 59). Such numbers suggest that slavery was an institution so common to the Romans that it seemed entirely natural; it was still an essential part of the social framework of the Roman world.

In general, the most recent studies of slavery in Late Antiquity have focused less on issues of quantification because precise numbers are impossible to determine. The current consensus is that while exact estimates may be difficult to attain for the number of slaves in Late Antiquity, they were likely lower than what is thought to have characterized the earlier periods of the Roman Republic and Empire. At the same time, scholars have increasingly acknowledged that slavery in the later periods of Roman history may have been more prevalent than was previously imagined. This revision in thinking is due in no small part to certain comments made by Roman imperial writers. Galen, for example, known to have lived from the mid-second century to the early third century, described the prevalence of slaves that could be seen at the slave market in Delos while Strabo noted that “there was nothing unusual in 10,000 slaves changing hands in a single day’s trading” and that in Pergamum (Asia Minor) there were “as many slaves as freemen in the second century [CE]” (Cunliffe 77).

Explanations for why the number of slaves was lower during Late Antiquity have varied. In addition to the issues of costs, some scholars in the nineteenth and twentieth centuries attributed the decline to the influence of Christianity. Previously, historians such as Chris De Wet and Samuel Dill had argued that the rise of Christianity provided a re-conceptualization of the institution and was the driving force behind “legislative sentiment” and “growing humane sentiment” (De Wet, “Sin as Slavery” 30; Dill). Sheila Briggs suggested that some early Christians did not conform to an “unquestioning” acceptance of slavery (515–23). Contrary to earlier explanations, most recent scholars do not attribute a significant role to the rise of Christianity in the decline of slavery (Bradley 540). Judith Evans Grubbs has provided a compelling argument on this subject during a discussion on the *sc Claudianum* (SCC), which was issued in 52 CE under the emperor Claudius and which stated that free women who cohabited with slaves would become slaves and that their children would also become slaves. Evans Grubbs addressed previous interpretations of the

text, namely that it has been seen as simply another manifestation of “pagan-Christian conflict” (*Law and Family* 271–72). She concluded that because the *sc Claudianum* was interpreted as both Christian and pagan, its “religious sympathies” contained “little relevance” (272). Keith Bradley also believed that slavery persisted unchanged in Rome from the shift from paganism to Christianity (540). His conclusion was grounded in the fact that “modern ideas of social leveling or egalitarianism” were “alien” to the ancient mentality as well as the fact that slavery remained largely unchanged during the transition from paganism to Christianity (540). Cam Grey, in a survey on the current state of scholarship on slavery in the later Roman Empire, has also concluded more broadly that Christianity’s role in the treatment and purported decline of slaves “should not be emphasized” (507).

Another explanation, which merits serious consideration, is that slavery was increasingly characterized alongside a semi-servile class of free poor Romans in the later periods of Roman antiquity. Whittaker explains that “slaves as tenants or quasi-*coloni* and absentee landlords . . .” was not an uncommon phenomenon (92). Luis A. Garcia Moreno has also suggested in his study of peasantry on the villas in Spain that, in both the legislation and the economies, slaves and tenants were more frequently described in similar language and that such legislation appeared at an increasing rate; this frequency, according to Garcia Moreno, is perhaps “the best indication that the traditional mental barriers between free men and slaves were collapsing” (201). Thus, the roles of free and unfree labor appear to have been overlapping and inter-changing. That is, while in the legislation, and sometimes not even there, labor may have been categorized as the “free poor,” socially those “free poor” were equated to slaves. This lack of explicitly distinct roles of labor led to status confusion.

Finally, the current debate on slavery in Rome has shifted in tone, focusing on the institution’s implications in society. The discussion surrounding slavery in Late Antiquity also focuses on varying aspects of the institution, including slave relations with those of authority in the church, Roman families, sexual relations with slaves, mixed unions in general, comparative and transitional aspects of Roman slavery, and how slavery can be studied through the remaining literature we have today. The writings of both Brent Shaw and Judith Evans Grubbs have focused on slaves and the Roman family. Evans Grubbs, in particular, has also written extensively on mixed marriages and relations between slaves and the free poor as part of her research (*Law and Family* 81–88). C. A. Yeo, M. I. Finley, and Jane Webster (in both

“Archaeologies of Slavery and Servitude” and “Less Beloved”) are among other historians who have taken a comparative view of slavery in Rome and in other parts of the world, including America, Brazil and the Caribbean. These innovative and intriguing studies each deserves its own independent study, but the discussions are too few to definitively paint a picture comparable to the information we now have that ignites debate on the issues relevant to the Late Roman Empire.

## DEFINITION OF SLAVERY

A definition of slavery is necessary to a discussion on the transformative nature of slavery in Late Antiquity. The definition will assist in illustrating exactly how the nature of labor changed in Late Antiquity to the extent that it confused contemporary understandings of status.

Aristotle (384–322 BCE) provided a definition of slavery that was later adopted by the Romans. Aristotle identified a natural slave, a human being who had that “very status and role *by nature*”: a view that slaves comprised domestic property, the so-called “tools before tools” (Karbowski 337–38). Aristotle continued to formulate his definition of slaves as “animate pieces of property” who “belong to another or are of another unqualifiedly” and who have the ability to comprehend but are unable to reason for themselves (Karbowski 339, 345). Aristotle’s definition may not be wholly relevant to the Roman application of the term because slaves did indeed fulfill essential roles within the household as well as for the emperor, but his definition does emphasize a defining aspect of slavery: the ownership of another individual.

The definition of slavery of chief interest to this study is provided by Florentius, the Roman praetorian prefect who dates to the mid-fourth century CE. This definition, along with another provided by Finley, was shared by other Roman jurists and are among the primary sources used by historians to define slavery.

The definition of slavery by Florentius dominates the literature today as well:

- (1) Slavery is an institution of the common law of peoples (*ius gentium*) by which a person is put into the ownership (*dominium*) of somebody else, contrary to the natural order.
- (2) Slaves (*servi*) are so called because commanders generally sell the people they capture and therefore save (*servare*) them instead of killing them.
- (3) The word for property in slaves (*mancipia*) is derived from the fact that

they are captured from the enemy by force of arms (*manu capiantur*).  
(Phillips 17)

If we look to today's modern international law, Jean Allain and Robin Hickey reveal that such a definition does not exist (915), but they create a definition for modern times that features commonalities with Florentius's definition and that may also prove useful. The issue of ownership plays a large role in the definition of slavery, including having power or control over a person that may manifest itself in the form of claim-rights, liberties, and immunities (Allain and Hickey 930–31). In addition to control, the ability to transfer the ownership of a person to an heir or successor, the management of the use of a person, which constitutes the exercise of a power attached to slavery, and the profit from the use of a person constitute a modern definition of slavery (Allain and Hickey 933–35).

Finley also provided a definition in his characterization of Rome as a "slave society." He considered the fact that slaves were viewed as property a characteristic that separated slavery from other forms of coerced labor. Slavery was also distinguished by the unlimited rights the master had over the slave as well as the fact that slaves were considered outsiders (Phillips 5–6). A "slave society," according to Finley, was one in which large numbers of slaves were present and, more importantly, "where slave labor [was] instrumental in central productive processes, and where the domination of slaves [had] deep cultural consequences" (Harper 37–38).

One criticism of Finley's characterization of slavery is that it both "underestimated the breadth of world slavery" and "overstated the quantitative dimensions of Roman slavery" (Harper 37). In addition, while most historians still hold the view that Rome was a "slave society" for at least its central periods of imperial expansion, this characterization does not necessarily apply to the later Roman world since a "slave society," as defined by Finley, requires that the dominant mode of production be slavery. This condition was not applicable in the Late Roman Empire due to the increasing reliance on members of the very low, but still free, poor classes for labor. The later Roman world was a slave-owning society but not a "slave society" because slavery was no longer the most efficient and dominant mode of production (Grey 375). In numerous works by Romans in Late Antiquity, slavery is either overlooked or discussed at the periphery along with other forms of labor, both free and servile, indicating that slaves were indeed taken for granted (MacMullen, "Late Roman" 375).

The working definition for slavery, then, is best captured by Florentius's definition in that slaves were property, placed in the ownership of another, and so called because they were sold. Finley does provide important information when considering slavery as an institution: slavery was an integral aspect of both the Roman economy and society, as it is still thought of today. While Rome may not be characterized as a "slave society," Finley's definition, in addition to that provided by Florentius, provides a valuable framework for understanding slavery in the Late Roman Empire. Finally, regardless of specific individual definitions, they all emphasize one common quality: slavery involved the ownership of another person.

## SLAVES IN THE FAMILY

Slaves were acquired largely through warfare, piracy, and various methods of trading around the empire with barbarians and other Romans (Cunliffe 79). They came to occupy three major areas of Roman society over the course of time: they were recruited for military service, worked on the estates of wealthy Romans, or worked in the domestic sphere (Horsley 35). While the slave's role as a recruit for the army did not come into play until the mid-to-late first century, slaves occupied a major role on Roman estates and subsequently within the domestic sphere from the time of the Roman Republic. Slaves offered a form of cheap labor while also signifying class and power. Their constant presence in homes and on estates resulted in a growing importance and influence on Roman life. As a result, slaves became increasingly embedded into Roman society as well as integral to the Roman economy. Their essential role in the family influenced family dynamics in such a way that certain distinctions between free and unfree became blurred, and family roles that would normally distinguish, for instance, the mother from a slave became slightly muddled. While the legislation may have specified a firm difference, in reality the distinction was losing its meaning. The slave's role in the family facilitated the rise of the problem of status confusion that would emerge during the later Roman Empire.

That slaves were an integral part of the Roman family in late Antiquity is not surprising. Samuel Dill suggests that slaves were treated as "humble friends and real members of the family" (117). Pliny the Elder and Seneca provide examples of two slave masters who felt that they had a "moral duty towards" their slaves, that they were "humble friends, men of the same flesh and blood as the master," but this was all "quite apart from the legal conventions of Rome (Dill 181). Pliny viewed slaves as such a vital part of daily

life that he referred to them as “a fundamental element of the ‘body’ of the Roman master”; in all aspects of his “physical life—eating, bathing, sleeping—all depended intimately on the assistance of slaves” (Blake 196). Pliny used religious imagery in describing slavery: the “body of the Roman master” conjures an allusion to the “body of Christ,” and he means it both metaphorically and literally. Slaves helped their owner fulfill his basic needs such as bathing, and they also followed him on his business and took down his notes and annotations (Blake 194). Pliny the Elder’s death depicted how the relationship between master and slave could be symbiotic in that they were so integrated into his life that his achievements were largely due to them (Blake 198). While Pliny was unique as a scholar, his relationship with his slaves was not so unique.

Slaves were able to join colleges, which were small group associations organized around a profession, if they obtained their master’s approval. While slaves lacked any sort of real status, a considerable few could inflict significant social and political influence due to their positions. Imperial slaves increasingly occupied administrative positions and had instant access to the emperor; they were thus a great source of power socially although legally they possessed no such power at all. Slaves were also able to pass themselves off as free, perhaps even free-born, and hold offices reserved specifically for free-born people (Evans Grubbs, *Law and Family* 270). Such a practice makes status confusion in Rome appear as an unsurprising phenomenon. Mixed unions and other sexual relations could also be the source of what was sometimes a great deal of tension within the family and were a major contribution to status confusion in Roman society.

While slaves were able to receive education and in fact were the tutors themselves, the relationship between slave and master grew tense throughout the later period of the empire. The *Life of Aesop*, a satirical fiction and the only full-length slave biography from antiquity, dates to the first century CE in Roman Egypt and provides an instance of resistance by a slave (Hopkins, “Novel Evidence” 3). Aesop “speaks his mind” unlike slaves in reality (Hopkins, “Novel Evidence” 17). When he was instructed to bring an oil flask for his master, he obeyed and brought the flask but without any oil; when he was beaten, his defense was merely that his master never mentioned anything about oil (Hopkins, “Novel Evidence” 19). Another instance depicts his master asking him to make lentil soup. He is “smart” with his master, claiming that when his master only asked for one lentil, not lentils (Hopkins, “Novel Evidence” 20). Hopkins believes Aesop represented “all that a master might

despise and fear in a slave” (Hopkins, “Novel Evidence” 20). The importance of the story of the *Life of Aesop* lies not in whether it tells us if slaves really spoke in this manner to their masters, but rather that it may suggest masters’ fear that they might. The *Life of Aesop* provides an example that the individual relationship between master and slave was sometimes tense and increasingly so in the later Roman world.

The household of a Roman family comprised a restricted number of components: “(husband/father, wife/mother, children and slaves), all of which had to stand in a firm hierarchical relationship to each other and to perform their proper role in order for there to be a proper and therefore peaceful and happy house” (Shaw 14). When discussing his son, the master of a household always coupled “slave and son” or “sons and slaves” together although the situation was one where the master “domesticates his sons . . . and punishes his slaves” (Shaw 18). Slaves were discussed alongside children, suggesting a parallel relationship. In addition, slave nurses were an essential part of the Roman family, often placed in complete charge of children in the absence of parents (Shaw 42). The master of a household was free to have sexual relations with any member of his household in a way that could create tensions within the family, and so slaves played a role in contributing to the general “looseness” of the Roman family. Slaves were the object of sexual affection for masters (angering women), and often, in addition to acting as slave nurses, slaves were picked to assume “economic and child-rearing functions usually associated with the mother” (Saller 82). Because they often substituted for the parent’s role in childcare and important household chores as well as affection between husband and wife, slaves increased the strain in family relationships, resulting in an overall fragile marriage life in Rome.

While slaves were considerably integrated into the Roman family, the law continued to authorize the harsh treatment and punishment of slaves, and the distinction between free and unfree labor punishments was blurred in the legislation. Whipping—which was seen as a “deep humiliation” meant as an “insult to *dignitas*” (Horsley 42)—was allowed and sometimes encouraged. Punishments for slaves came often to be inflicted on lower-class criminals as well as minor municipal officials (Grey 490), e.g., the torture of minor municipal officials as found in CT 8.2.5. Slaves and *coloni* were also treated equally in certain cases. CT 2.2.1 shows that both slaves and *coloni* were to be arrested and punished indiscriminately if found guilty of “any criminality.” If a freedman or a slave accused his or her master of a crime, then they would be stabbed to death, as shown in CT 9.7.3. This law mixed both slave and freed, providing

the same punishment for each. The slave's place in the Roman family was thus one of importance, although the sources suggest a mixing of certain aspects of slavery, such as punishments and negative treatment of slaves, with other social classes and with people involved in other types of labor.

Although the slave was an integral aspect of the Roman family, the relationship between the slave and other individual members of a family proves to be complicated. For instance, the slave was parallel to the master's son in some ways, but the master often feared the slave. The master might use a female slave for his indulgences, creating strain in the family. Regardless, in many ways the law treated slaves the same as free labor, providing the same punishments for the same crime. This lack of a distinction between slaves and other forms of labor within the legislation points most visibly to a blurring of the distinction between these types of labor. The nature of the similar punishments—particularly the law found in CT 9.7.3—for two classes that were extremely close on the hierarchical scale blurred their differences in society, facilitating an atmosphere among the lower classes that decreased the distinction between slaves and the poorest of the peasants.

## MIXED UNIONS

Mixed unions often occurred between free persons and those who were either freed or slaves. The subject received considerable attention among the Romans. In a letter, Augustine inquired about the nature of such unions and the relationship between slavery and freedom. His concerns centered on three main issues: first, the status of children resulting from mixed unions; second, the status of children sold into bondage or a fixed period of servitude; and third, the relative rights of the landowner, parents, and slave-owner if a tenant farmer were to sell his child into slavery, particularly the issue of whether the landowner was allowed to sell the *colonus* or his son into slavery (Grey 502). The letter was addressed to a Eustochius; no reply is on record.

Augustine's letter depicts concerns and priorities in matters of mixed unions that among the Romans were largely due to concerns about inheritance and taxes. The letter suggests the impact of the changes in the nature of the labor force in Late Antiquity, on the one hand, and of tax assessment on socio-economic relations, including mixed relations, on the other (Grey 502). The fact that Augustine inquired about the status of children from mixed unions or those sold into slavery demonstrates status confusion and the mixing of various classes.

Since the time of the Roman Republic, the Romans discussed mixed marriages within their legislation. The legal status of unions between senators and freedwomen in the Republic remains unclear; such unions may have been legal but were certainly “not approved of socially” (Evans Grubbs, *Law and Family* 261). Sexual relations between free persons and slaves, as well as among slaves themselves, were not recognized as legitimate marriages under Roman law. These unions were termed *contubernium* and lacked any of the legal consequences of Roman marriage (Evans Grubbs, *Law and Family* 262). Marriage between free men and freedwomen or slaves was not prohibited although the unions were considered “disreputable,” and Roman citizens not of senatorial birth were allowed to marry former slaves although all free-born citizens were prohibited from marrying prostitutes and pimps (Evans Grubbs, *Law and Family* 262).

The senatorial aristocracy found it important to ensure that slaves and freedmen could not marry free women, as indicated in The Law of Anthemius, found in the *Theodosian Code*. In 468 CE, a certain woman named Julia went to the Roman Emperor Anthemius to declare that she had married her former slave, her freedman. In response, Anthemius declared that while her marriage and all such marriages that had occurred up until that point would remain legal, all subsequent unions between free women and freedmen would be prohibited. If anyone violated that law, the woman would be subject to property confiscation and deportation, and her children would become slaves (*Theodosian Code* 570–71).

In order to understand this law, we need to know who Julia was. Evans Grubbs believes the most that can be said about Julia’s identity and status was that she was “at least an ingénue,” or a freeborn woman (“Marriage” 152). But further work on the matter reveals that this interpretation can be pushed further. Richard Saller has shed some light on the role of women in a typical Roman household. The *pater familias*, meaning “estate owner” or “head of household,” was typically male, and while legally women had the same rights to own property, a household with a dominant male figure would not allow a woman to have power over her children or slaves (Saller 184–87). The reason that the *pater familias* could not be extended to women was that such power was “sharply engendered” in the law “insofar as mothers could not have *potes-tas* over their children” or other dependents (Saller 185). In addition, there was a “public presence or role associated with the *pater familias*” in that he would “appear” as such in the public when conducting business (Saller 186). Thus, a woman could not fully occupy this role and have full property rights,

i.e., the *pater familias*. However, “in the absence of husbands,” the realities of *mater familias* were such that Roman women often wielded power over their dependents in a household (Saller 196). Such a title, though, did not carry the same weight as the *pater familias* because it was based on “honorable character” and not property rights (Saller 194).

The Law of Anthemius states that Julia married someone “who had been a slave of her own household,” and given our knowledge of *mater familias* and the fact that it was Julia herself who had come forth before the emperor, it is possible to speculate that Julia was the head of her own household. The law also seems to focus explicitly on marriages between women in the aristocracy and slaves or freedmen as it prohibits such marriages “in order that the renowned nobility of distinguished families may not be debased.” The law specifically mentions women of “Senatorial birth” and focuses on aristocratic families, suggesting that, since Anthemius is responding to her specific petition, Julia may have been a member of the upper class.

Given such conditions, Julia was likely an upper-class woman who was head of her household. What does this say of Julia and her significance to Anthemius? Although Julia was presumably a member of the upper class, she did not have a male relative in the Senate at the time; therefore, neither Julia nor anyone in her household, including her freedman, possessed political power that could be wielded against Anthemius, and he could allow by his “imperial grace” for the declaration of her marriage as legal.

The emperor Anthemius was a special case, and he saw Julia’s situation as a political opportunity when he needed one. Anthemius was in a unique situation in that he was a non-Roman, Greek-speaking emperor at a time when the relations between the eastern and western Roman Empire were divided and strained. He had married the former eastern emperor’s daughter (O’Flynn 124). The death of the western emperor Severus in 465 left the western empire in an interregnum (Mathisen 191). Because his marriage left him some claim to power in the east, the eastern emperor Leo was eager to remove Anthemius as a threat to his own position as emperor. The western interregnum provided Leo with the opportunity to remove Anthemius from the east and subsequently to impose him onto the senatorial aristocracy in the western Empire.

Anthemius’s law was set within the context of a previous Roman law, the *senatus consultum Claudianum* (SCC). The SCC, as previously mentioned, provided that free women who cohabited with slaves would also become slaves, as would their children. Notably, the law lacked any mention of

freedmen and marriages between freeborn women and freedmen from the time it was first enacted until Anthemius passed his legislation in 468 CE.

To understand the importance of the SCC with regard to status confusion, we turn to the emperor Augustus, who in the early first century prohibited marriage between members of the Senate and freedmen, and all freeborn persons were prohibited from marrying prostitutes and other people of such low status (McGinn 72). Augustus's marriage legislation played a role in the "construction of a moral ideology" in that the people in the Roman community presumably followed the behavioral guidelines established by the law (McGinn 84) and thus established Augustus's image as a moral figure. His legislation set a precedent for subsequent emperors to use marriage as a means to legitimize their authority over the Roman people and to establish their self-representations as figures of morality.

If later emperors modeled their images after Augustus, then a Roman emperor was expected to preserve Roman values and maintain his image as a moral figure. When Claudius enacted the SCC, he followed the practice set by Augustus of using legislation on the family to present himself as a model of morality. The first Christian emperor, Constantine the Great, following the practice set by Augustus, criminalized the practice of abduction marriage (Evans Grubbs, "Abduction" 67). Like Claudius, Constantine used his legislation on the family to uphold Roman values and, modeling his actions after Augustus, present himself as a moral figure. Constantine's legislative practices were important because, like Augustus and previous Roman emperors before him, he set the example that Anthemius would follow for his own legislation in order to make an impact on Roman morality and to fulfill the duties of a Roman emperor. However, Constantine's legislation was complicated in that it allowed for freeborn children abandoned at birth to be brought up as slaves, if rescued by a slave, or to be temporarily sold into slavery (Evans Grubbs, *Law and Family* 271). Such ambiguities make it unsurprising that many Roman citizens were unsure of both their own and their children's status.

Within the Law of Anthemius, the emperor was equipped with the precedents of the past; he prohibited marriage between free women and freedmen, and he set the punishment for violating his new law at property confiscation and deportation for free women and enslavement of their children. Throughout the *Theodosian Code*, property confiscation and deportation were punishments reserved for serious crimes that included endangerment of national security, harboring proscribed individuals, producing counterfeit money, and hosting soothsayers. An extensive discussion on punishment

in Roman law by Richard Bauman concludes that such punishments were “intensified” penalties, and Bauman suggests that in some instances confiscation of property and deportation were punishments meant to “replace the death penalty” (52, 59). Thus, the consequences of breaking Anthemius’s law were severe. These punishments were reserved for slaves but could unintentionally blur the social distinctions between classes.

In addition to his political motive, Anthemius may have had another motive behind the law that focused on the many freedmen who were part of the imperial household and could be swayed by wealth and status. For instance, in the third century the emperor Alexander Severus discovered “one of his close associates receiving money in return for his . . . influence at court” (Kelly 135). Christopher Kelly claims that while these cases existed, they did not reflect the norm (Kelly 136). However, Anthemius himself hardly reflected the norm. Anthemius, a Roman emperor with non-Roman origins at a time when relations between the east and west were immensely strained, had reason to suspect such engagements could occur. Boudewijn Sirks has demonstrated that, with regard to the SCC, slaves worked intimately with free persons and that the emperor’s slaves increasingly occupied administrative positions; during Claudius’s reign, estimations suggest that up to “two thirds of imperial slaves and freedmen were marrying freeborn women,” so such dealings were a genuine concern of the emperor (Harper, *The SC Claudianum* 626). Possibly Anthemius prohibited such marriages to ensure that no senatorial aristocratic woman could marry an imperial freedman. Such a union could have led to an imbalance of power within the senate because one senator could potentially rise above the desired state of constant tension and threaten Anthemius’s power.

These complex laws and possible motives suggest that slaves were deeply woven into the fabric of everyday life in Roman society. Slavery could become a metaphor for a larger argument (Grey 493). For instance, in Christianity slavery became a way to represent the Christian’s relationship to God (Glancy 103). The aristocracy’s concern with slaves and their relations to slaves allowed Anthemius to make these preoccupations a focus of the law, using the place of slaves in Roman society to communicate a larger objective: forging his image as a Roman emperor. This metaphorical function offers one explanation for the adjudication of Julia’s case.

Another interpretation of Julia’s case, however, is that such unions occurred among the upper classes and that the emperor merely used it as a way to solidify the place of the aristocracy as distinguished from the lower

classes, suggesting that such a class distinction was perhaps becoming less important to some members of the upper class, though not necessarily the senatorial aristocracy. Had Julia been concerned with her status and the inheritance her children would receive, then she might not have engaged in such a union. Julis thus represents some lack of concern among the upper classes about status in Roman society, providing further evidence for the rise of status confusion: when confusion about status existed in the upper classes, such confusion among the lower classes seems more plausible

One indicator of such status confusion is mixed unions among the lower classes. Rescripts (i.e., responses from the emperor to a petitioner) found in the Justinian Code indicate that status confusion may have been a common problem for “imperial subjects” (Evans Grubbs, *Law and Family* 269). A woman named Hostilia sent a *libellus* to Caracalla, claiming her husband, Eros, whose name indicates slave status, was reclaimed as another’s slave (Evans Grubbs, *Law and Family* 269). Hostilia and Eros had had children together, and she had given him dowry; however, Caracalla assured her that she could recover her dowry and that her children were free (Evans Grubbs, *Law and Family* 269–70). Hostilia’s situation provides an example of CT 4.12.3, which stated that a free woman could accidentally marry a slave and that this would most likely occur among the lower classes, who lived and worked alongside each other closely, unlike the aristocracy where the distinction was evident. Hostilia was thus likely a member of the lower class, who either knowingly or unknowingly cohabited with a slave. Regardless of whether she knew he was a slave, the question of the status of her children arose. CT 4.12.3 addressed the status of a free woman who cohabits with a slave as free, but it labeled the status of the children of such a union as Latins, free children of slaves but illegitimate to a free person. Caracalla’s decision to allow Hostilia’s children to be considered free provides a discrepancy in the law and societal practice. Evans Grubbs suggests that there were many situations analogous to Hostilia’s, even examples of a free man cohabiting with another’s slave woman (*Law and Family* 270), suggesting a growing mixing of statuses where some held improper titles.

Another case involving a woman of the lower classes also exemplifies the growing problem of status confusion amongst the lower classes. Much like Hostilia, a woman named Theodora sent a *libellus* to the emperors Diocletian and Maximian addressing a situation that appalled the aristocracy in terms of social status and sexual relations. Theodora’s mother had had sexual relations and was living with her slave “under the pretense that they were legally

married,” but she had never manumitted the slave (Evans Grubbs, *Law and Family* 276). Her mother had died, and Theodora had married a man who disapproved of the situation and was enquiring about the marriage’s legal validity. The emperors replied that the man Theodora’s mother had married was still a slave. Thus, Theodora’s mother had concealed not the relationship but the fact that her husband was still a slave (Evans Grubbs, *Law and Family* 276), suggesting how easy it was for the lower classes to pass themselves off as something other than slaves. Evans Grubbs suggests that status consciousness during the fourth century declined even among the upper classes, e.g. Julia, and that Constantine’s marriage legislation was actually a reaction to a case brought to him of a high-ranking woman “involved in a quasimarital relationship” herself with her own slave (*Law and Family* 277). Evans Grubbs’s assertions exemplify the view that such mixed unions caused status distinctions to have less meaning, even among the upper classes.

The discussion of mixed unions reveals the aristocracy’s need to differentiate status between free and slave or former slave. Theodora’s case provides an example of the increasing problem of status confusion, but expressing such a distinction amongst the lower classes was much harder to enforce. Slaves and members of the lower classes worked alongside each other in daily life so such a law would presumably have been more difficult to enforce. Anthemius’s concerns surrounded his security as emperor and his relationship with the Senate, however, and mixed marriages in the lower stratum of society posed no threat to the emperor. Furthermore, prohibiting mixed marriages of the elite with slaves and freedmen may have been a priority for the aristocracy but was not necessarily a major concern for those living at subsistence. Nevertheless, mixed unions contributed to the overall confusion of status of those living in the later Roman Empire.

## THE RISE OF THE COLONI AND THE SHIFTING LABOR FORCE

The nature of the labor force in the later Roman world was also shifting, increasing the levels of confusion in status within different groups. Originally, historians believed the institution of slavery transformed into the *coloni* and eventually medieval serfdom. In a view proposed by Marc Bloch, “a recognized fact” was that slavery declined “drastically” before the third century CE (Whittaker 89). The reason for this belief was a presumed shortage in the supply of slaves after an increase in price that made them no longer economical (Whittaker 97, 100). Finley then introduced his “replacement theory,” in which he argued that a change in the “political-military structure,” which

occurred over Rome's imperial history, was the "decisive factor" for the "gradual replacement of slaves by other types of labour," and this "replacement" occurred in small shifts from locality to locality (141–42). Finley's "replacement theory" assumed that the poorest free people in the rural areas eventually experienced such a degradation in status that their condition was little different from slavery. Whittaker rejected Finley's position, arguing that the rural labor force experienced a fundamental change through the settlement of barbarian prisoners. Whittaker also demonstrated that tenancy had become embedded within a longer history in the Roman Empire, found even during the Republic, and that legislation had discussed tenancy since the second century BCE, so one did not evolve out of the other (92). He also demonstrated through reference to Pope Pelagius in the sixth century that slaves continued to work on estates even in the medieval period. Historians now argue that slavery "did not slowly morph into what could be called medieval serfdom, nor did the crisis of the assumed 'decline' of the slave mode of production lead to the rise of feudalism" (De Wet, *Preaching Bondage* 8), but the debate surrounding the nature of the rise of the *coloni* continues to be an area of debate.

Whether slavery was dominant in rural areas or not, slaves were not replaced by the colonate. Thus, the colonate cannot be defined by the traditional definition, i.e., a system of "dependent tenancy which tied the tenant or *colonus* to his landlord in a relationship that was the precursor of medieval serfdom"; instead of viewing slavery as disappearing and the *coloni* as emerging, we can view them as "complementary strategies" that landowners employed to exploit the land (Grey 506). *Coloni* were "inscribed on the roll . . . detained on the land" due to their debt; it was the debt that was owned, not the *coloni* themselves (MacMunn 29). The *coloni* were registered tenants comprised of the poorest of the free persons in the lower classes as well as freed slaves who remained a part of the lower class. Thus, they constituted two distinct social classes and two distinct labor institutions in Roman society.

The *coloni* were tied to the estates on which they worked and not necessarily to the landowner (Banaji 118). Tax rolls gained increasing importance in Late Antiquity, and tenants would often attempt to evade taxes and the tax collectors, creating a growing need to register tenants and slaves in order to define their obligations to the land on which they served (see *Theodosian Code* 9.27.7; 9.42.7; 10.1.11; 11.1.14; 11.7.11; 11.24.1). The laws exemplify an increase in hybridized language with reference to registered slaves and tenants. For example, a law of 393 CE states that the *coloni* were to be "considered

slaves of the land [*servi terrae*] on which they were born,” and if a change in landowner occurred, they would return “in chains” to their “*origo* ‘in a servile state’ (*in servile condicionem*)” (Whittaker 101); the law likens the free *coloni* to slaves. By 367 CE, the children of a mixed union between a free father and a *colona* mother on an imperial estate were to follow the status of their mother, as normally occurred to children of slave women (Whittaker 127). Constantine also passed a law in which he specified that “*coloni* who seek to flee ‘should be put in irons like slaves, so that they may be compelled by a servile penalty to perform the duties appropriate to them as free men’” (*Theodosian Code* 5.17.1). More than the increase in hybridized language, the increased importance of the registration in these tax rolls resulted in confusion between the relationships of tenants to slaves (Grey 506); this confusion also manifested itself in uncertainty about the rights of the landowner over each.

Ultimately, the *coloni* were subject to the constant threat of being subject to a reduction of status. This perception of threat was based on the assumption that the distinction in the labor force—the separation of slave and *colonus*—would persist and that the Romans had some sort of formal process by which a member of the *coloni* could be formally reverted or reduced to slave status. Grey has suggested that a tenant’s status as “free” was “tenuous at best—particularly when we recall the phenomenon of debt-servitude,” in which a Roman individual or an individual’s child could be held by a creditor in order to work off a debt (504). While it may have been difficult to recognize and practice their freedom in reality, the *coloni* were still considered free by law. The use of the same punishment for various classes also provides evidence that status confusion was prevalent, particularly among the lower classes and more specifically among the *coloni* and slaves. The ambiguous treatment of the differing classes is exactly what blurred the line between the *coloni* and slaves in Roman society and further facilitated the issue of status confusion.

## STATUS CONFUSION

Altogether, the evidence suggests increasing status confusion among individuals in the lower classes while the aristocracy continued trying to differentiate between slave and free. In order to understand the significance and historical implications of the breakdown of strictly defined status boundaries in Late Antiquity, we must return to the definition of slavery and one of its key criteria: that slavery involves the ownership of another individual. If individuals were entering into a form of servitude as a means of paying off debt and if their debt subsequently became owned, then that did not necessarily

constitute the ownership of that individual; ownership of debt was not, in other words, synonymous with the ownership of personhood. Recall that free Romans could sell their labor to pay off their debts. While they were not necessarily selling themselves into slavery, the practice of selling labor facilitated the rise of status confusion because possession of labor could easily be confused with possession of a person. The various labor forms that arose beginning in the fourth century were founded on principles far too closely aligned with basic aspects of slavery so that the people serving in these positions entered into a growing hybrid class. Increasingly, then, slaves and poor freepersons were grouped, according to Grey, into a “single broad category of quasi-servility” (485–86). Grey’s claim comes out of other studies by, for instance, Luis A. Garcia Moreno and Arnaldo Marcone, who assert an increasing homogenization of the lower classes and explain how the distinction between slave and free began to lose its meaning during Late Antiquity.

Garcia Moreno, citing both Santo Mazzarino and Chris Wickham, suggests that slaves were increasingly seen as identical to free peasants. Wickham mainly observed the manorial system and argued that it was “indifferent” as to whether “tenants were free or unfree; indifferent, for instance, to such issues as whether the tenants owned *operae* in the reserve, which might not even exist,” but Garcia Moreno believes the number of slaves actually seen as identical to free peasants was small (202). Garcia Moreno cites D. Vera, who argued that the shift of the physical complex of the villa, as well as the economic and cultural system, was already in place by the late fourth century and should not be separated from the inclusion of both slaves and free peasants on the villa. Vera depicts how slaves and the lower classes worked alongside each other, performing the same occupations and thus contributing to status confusion. Garcia Moreno also argues that by the fifth century the legislation lacked former distinctions between the *coloni* and other labor classes, such as *adscripticii*, and that this “homogenization” of the colonate and other institutions was characteristic of the entire empire (207). Thus, the widening of the labor typically associated with slavery suggests a status confusion that was characteristic of the entire empire.

Marcone also describes the hierarchy within the lower classes as “relatively homogenous” (356). He cites a law passed by Constantine in 332 as evidence that the *coloni* were increasingly associated with servitude. The law rendered that the condition of a peasant farmer, nominally free, was very close to that of a slave:

With whomsoever a *colonus* belonging to someone else (*alieni juris*) may be discovered, let the new patron not only restore the *colonus* to the place of his birth (*origini*), but let him also pay the tax for the time of his absence. As for the *coloni* themselves who contemplate flight, let them be put into fetters after the manner of slaves, so that they should perform duties worthy of freemen on the strength of a servile condemnation. (Marcone 357; see also Bury)

The law passed by Constantine was the first in which the *coloni* were described in a condition similar to that of slaves. The language is degrading, for the *coloni* were to be placed in chains “after the manner of slaves.” They were to be punished like slaves, and so the law mixed attributes of slavery and tenancy. Such a commonality in the treatment of slaves and tenants set the stage for ambiguities that would arise in the legislation passed after Constantine’s law, and this lack of distinction between the two classes would facilitate the resulting status confusion between slaves and *coloni*. Marcone believes that the distinction between the rich and the poor remained evident, particularly after the third-century crisis, but that the distinction between free and slave, particularly in the countryside, was more “a legal relic” than a consequence or correspondence to reality (357). Again, the language of the law describes the *coloni* as “belonging to someone else,” which correlates with the definition of slavery. The law thus characterized *coloni* alongside slaves to such a degree that an explicit division between the two would have been contradictory. Status confusion was an inevitable consequence.

Evans Grubbs has examined a large number of rescripts from the Justinian Code in which both Roman and non-Roman citizens were involved in status disputes. She notes a frequent appearance of rescripts, involving those below the elite status, demonstrating wrongful enslavement or illegal assumption of a free status (“Between Slavery and Freedom” 33). A particularly interesting scenario, which did in fact play out, involved situations where a master refused to free a slave who had already received manumission (“Between Slavery and Freedom” 38). For example, the heir of a master who had freed his slaves in his will might have been unwilling to follow the former master’s wishes; in such cases, Roman law was generous in allowing the individual to sue his or her master, and in the case of females who happened to give birth while wrongfully in servitude, the children would be considered freeborn (Evans Grubbs, “Between Slavery and Freedom” 39–40). It is impossible to know how fully the reality aligned with these laws, but Evans Grubbs does remark that if a slave’s manumission was contested, the possibility of failure in

pursuing the case against a master would deter those enslaved from bringing it forward (“Between Slavery and Freedom” 46). Arguably then, these laws may not have been strongly enforced.

In any case, the rescripts indicate a large number of people were wrongfully in servitude, creating status confusion for themselves and their children. A large portion of the rescripts focus on a child’s status, demonstrating yet again that a chief concern for Romans in situations concerning status was inheritance. In addition, free people sometimes claimed they were slaves “either under duress or because they did not know their true status” (Evans Grubbs, “Between Slavery and Freedom” 49). Wrongfully claiming themselves as slaves and so mixing with and becoming part of a class to which they did not belong would only add to the problem of status confusion in the later Roman Empire.

Also significant was the ease with which a free person could be reduced to servility. CT 4.10.2 states that any freedman who acts “haughtily” or offends his former master would lose his or her freedom and be once again reduced to slavery (*Theodosian Code* 91). Issued by Constantine in 332, the law demonstrates how fragile freedom was for a former slave. Jairus Banaji notes that the post-Roman labor force was actually “worse off, in the sense that the sharp division between ‘slave’ and ‘free’ that was intrinsic to classical law was progressively abandoned . . . as a uniformly servile tenantry evolved by the early part of the sixth century” (118). Banaji extends his study into the sixth century and notes that the lack of a distinction between slave and free shows that manumission for a slave was extremely fragile and, really, futile. Another problem was the kidnapping of free citizens and selling them into slavery. For example, in 287 Maximian received a report from the urban prefect of Rome that kidnappers were not only abducting other Roman citizens’ slaves but also the freeborn (Evans Grubbs, “Between Slavery and Freedom” 50). Exposed children were easily captured and sold into slavery, but this report did not involve exposed children. While the emperor claimed that in such situations the legal status of free people remained unchanged, some did sense the permanent loss of their or their loved one’s freeborn status, and often those kidnapped were “destined for the slave trade,” where the status of “free” was irrelevant (Evans Grubbs, “Between Slavery and Freedom” 51).

The frequency of lost status and the occurrences of kidnapping meant that many in the slave trade were not actually slaves. Such a mixing of the population would result inevitably in a large number of people, especially after cohabitation with other slaves, to be wrongfully considered slaves, contributing to a disregard for and confusion about status.

The differences displayed in the laws and the application of these laws in society further suggest status confusion. Slaves were increasingly grouped with other categories of free labor, and the punishment and the marriage legislation of both Constantine and Augustus suggests that status was increasingly raised as a question. Harper suggests that Roman laws have often been read as reactionary measures against “deepening status confusion” (Harper, *Slavery* 26); this does not suggest that there was an overall breakdown of the legal basis of slavery but instead that the legislators were attempting to distinguish slaves from other classes and citizens when a strict definition could not be formed. The implications of being a slave or part of the *coloni* in Rome were losing their meaning among peasants in the lower classes. Theodora’s case exemplifies the ease with which a slave could be passed off as a member of the lower class, but it is also suggests that to some, such as Theodora’s mother, status did not matter much while to others, such as Theodora, it may have been an area of concern. The reasons for Theodora’s disapproval of her mother are not clear although one may speculate about issues of inheritance or simply social disapproval. If Theodora’s concern focused not on economics but on social disapproval, then it would suggest that a lack of care for status, particularly slave status, was not wholly diminished among the lower classes. Julia’s case, however, suggests that the importance of status may have been diminishing among some members of the upper classes. Regardless of the degree of concern, the evidence both in legislation and in letters to emperors points to a definite and increasing issue in the definition of those boundaries meant to separate the classes, resulting in a broader problem of status confusion in late Roman society.

## CONCLUSION

From 14 CE to 500 CE, the later Roman Empire experienced a widespread problem of status confusion, which ultimately led to the informal creation of a “semi-servile” class. Status confusion manifested itself among slaves and the lower classes as they increasingly worked alongside each other, creating “homogenization” of the free poor and slaves. Both in practice and legislation, slaves and free peasants were increasingly grouped into a single servile category. By examining the definition of slavery, how the slave’s role within the family changed over time, the increase in mixed unions, and the change in the labor force that occurred as *coloni* became more significant, we can see that the legal and social distinction between slave and free became muddled.

The ramifications of the argument that the later Roman Empire was characterized by a growing sense of status confusion are that longstanding boundaries, which had definitively separated various classes in Rome, suddenly lost their importance. The social consequences of the loss of boundaries created new social interactions among both the upper and lower classes. The evidence so far indicates that the empire experienced few societal and economic consequences as a result of the status confusion, but further work may provide insight into more meaningful effects of status confusion on the Roman Empire.

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