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### Slavery and the Church in Visigothic Spain: the donation and will of Vincent of Huesca

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**SLAVERY AND THE CHURCH IN VISIGOTHIC SPAIN:  
THE DONATION AND WILL OF VINCENT OF HUESCA\***

*L'esclavage et l'Église dans l'Espagne wisigothique:  
la donation et le testament de Vincent de Huesca*

L'article a pour objet le réexamen du témoignage fourni par la donation et le testament de Vincent de Huesca (VI<sup>e</sup> s.) à propos de l'esclavage. Afin d'arriver à une vision renouvelée de la pratique de l'esclavage dans l'Espagne wisigothique, la discussion porte essentiellement sur le *peculium* et la structure des familles serviles. En particulier, en comparant le document avec les sources d'époque romaine, on démontre que la servitude des esclaves mentionnés dans la donation et le testament est de même nature que celle des esclaves romains. On ne peut donc pas considérer ce document comme la preuve d'un changement dans les conditions du travail agricole des *serui*, ni ces *serui* comme des paysans indépendants ou des fermiers. Au contraire, les perspectives que le document ouvre à notre compréhension de la nature de l'esclavage dans l'Espagne wisigothique conduisent à nuancer l'idée d'une convergence, souvent postulée, du statut des esclaves et de celui des pauvres de condition libre, dans cette région à cette période.

I. INTRODUCTION

Few scholars today would still hold that slavery came to an abrupt end with the fall of the Roman Empire. Instead, it is now commonly accepted that in place of a sharp decline, a transition and transformation characterised the changes between the Roman and the medieval world. Yet, '(t)he demise of slavery is generally understood to be one of the most distinctive features marking off the medieval West from the ancient world [...]'.<sup>1</sup> In this context, K. Harper has recently (re)introduced the idea of a 'systems collapse' in the late Roman slave system, in the sixth century, not least with regard to the role that slavery played in the creation of wealth.<sup>2</sup> Overall, however, discussion seems now to concentrate on spotting and marking geographical and chronological differences, on the reasons for them, and on slavery's relation to the exploitation of other forms of unfree labour. In this, attempts to stress elements of continuity between the ancient and the medieval world have met with severe criticism.<sup>3</sup> The discussion is of course not less tied into the wider debate on the rise of the Christian Church and its relationship to forms of unfree labour.

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\* In the course of writing this article, I have benefitted greatly from the advice of numerous colleagues and friends. I owe a considerable debt to Simon Corcoran, who first introduced me to Vincent some years ago, and who has been an engaging interlocutor on the document ever since. For their comments on earlier drafts of this article or discussion of individual aspects, I am moreover very grateful to Roger Collins, Michael Crawford, Lisa Fentress, Christa Gray, Lucy Grig, Gavin Kelly, Juan Lewis and Ben Russell. I owe the French abstract to Philippe Moreau. Any errors, along with the views expressed, are mine.

Unless otherwise stated, the text and translation of will and donation is that produced by Simon Corcoran in 'The donation and will of Vincent of Huesca: Latin text and English translation', *Antiquité Tardive* 11 (2003), pp. 215-221. All dates are CE unless indicated otherwise.

<sup>1</sup> S. Mosher Stuard, 'Ancillary evidence for the decline of medieval slavery', *Past and Present* 149 (1995), pp. 3-28, at p. 3.

<sup>2</sup> K. Harper, *Slavery in the Late Roman World, AD 275-425* (Cambridge, 2011), pp. 497-509.

<sup>3</sup> See for instance the sharp critique of the argument for continuity (until the year 1000) formulated by G. Bois, *La mutation de l'an mil: Lournand, village mâconnais de l'Antiquité au féodalisme* (Paris, 1989) by A. Verhulst: 'Review article: The decline of slavery and the economic expansion of the early middle ages', *Past and Present* 133 (1991), pp. 195-203.

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The present study ties into both strings of inquiry. It provides an analysis and interpretation of slavery in sixth century Spain on the basis of a single document – the donation and will of Vincent of Huesca. Traditionally, the history of slavery and dependent labour in Visigothic Spain has been written on the basis of law codes, sacred and profane, and hagiography. This has led to a concentration in modern scholarship on issues relating to violence, punishment, and sex.<sup>4</sup> The donation and will of Vincent of Huesca have only recently entered the arena of the modern scholarly discourse on the topic. In the last couple of decades, the document was analysed independently from one another by P.C. Díaz and L.A. García Moreno in their discussions of slavery in Visigothic Spain on the one hand, and the development of slave and dependent labour in the late antique and early medieval period on the other.<sup>5</sup> The document has moreover been central to two recent contributions to this journal: one, by E. Ariño Gil and Díaz that concentrates on the identification of the localities mentioned in donation and will;<sup>6</sup> the other, an edition based on the text established by J. Fortacín Piedrafita,<sup>7</sup> with English translation and commentary, by S. Corcoran.<sup>8</sup> The key question that scholars concerned with the history of slavery and forced labour have been grappling with concerns the nature of the servitude of the *servi* mentioned in donation and will. The consensus that has emerged is that the status of the *servi* is *not* like that of slaves known from earlier periods, especially at Rome, but, rather, that their status is more akin to that of dependent labourers: '(m)ost specialists', so García Moreno, '[...] have considered these *servi* to be like autonomous peasants or tenants; that is to say, they would be *servi casati*, or *quasi coloni* to use the old wording of the Early Empire'.<sup>9</sup>

The present contribution has two objectives. First, to offer new interpretations of key passages in donation and will that concern *servi*. The analysis will be deliberately comparative to offer, second, a more sophisticated discussion of slavery in donation and will, and, in consequence, in Visigothic Spain. On this basis I contend that the *servi* mentioned in donation and will carried slave status, and that the nature of their servitude was similar to that of Roman slaves. As will be shown, the reasons for identifying the *servi* mentioned especially in the will of Vincent of Huesca as autonomous peasants or tenants is based on a mistaken understanding of earlier slave systems: important elements in the lives and labour regimes of the *servi* in Vincent's will are wrongly assumed to have been different to the lives and labour regimes of slaves in classical antiquity. If the information concerning *servi* in donation and will is properly contextualised, the document can be

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<sup>4</sup> A classic example is E.A. Thompson's *The Goths in Spain* (Oxford, 1969 [reprint 2000]), pp. 267-274 and pp. 305-308. Similar in approach with regard to freedmen is D. Claude, 'Freedmen in the Visigothic Kingdom', in E. James (ed.), *Visigothic Spain: New Approaches* (Oxford, 1980), pp. 159-188.

<sup>5</sup> P.C. Díaz, 'El testamento de Vicente: Proprietarios y dependientes en la Hispania del s. VI', in M.<sup>a</sup> J. Hidalgo, D. Pérez, M.J.R. Gervás (edd.), *«Romanización» y «Reconquista» en la Península Ibérica: Nuevas perspectivas* (Salamanca, 1998), pp. 257-270, at p. 266; L.A. García Moreno, 'From *coloni* to *servi*. A history of the peasantry in Visigothic Spain', *Klio* 83.1 (2001), pp. 198-212.

<sup>6</sup> E. Ariño Gil and P.C. Díaz, 'Poblamiento y organización des espacio en la Tarraconense Pirenaica en el siglo VI', *Antiquité Tardive* 11 (2003), pp. 223-237.

<sup>7</sup> J. Fortacín Piedrafita, 'La donación del diácono Vicente al monasterio de Asán y su posterior testamento como obispo de Huesca en el siglo VI. Precisiones críticas para la fijación del texto', *Cuadernos de Historia Jerónimo Zurita* 47.8 (1983), pp. 59-64.

<sup>8</sup> S. Corcoran, 'The donation and will of Vincent of Huesca: Latin text and English translation', *Antiquité Tardive* 11 (2003), pp. 215-221; and p. 215 for a brief overview of earlier studies of the text.

<sup>9</sup> García Moreno, 'From *coloni* to *servi*? (n. 5), p. 208.

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employed both for a fresh discussion of slavery in Visigothic Spain, as well as for a deeper exploration of the nature of slavery in the early Middle Ages in general.

### II. SLAVERY IN THE DONATION

On 29 September 551, ‘the 3<sup>rd</sup> day before the Kalends of October, in the 2<sup>nd</sup> year of King Agila’ (1.2.20), the year in which he most likely inherited his parents’ estate, the deacon (*deaconus*) of the Holy Church of Huesca, Vincent, signed a donation to the church. To this donation was later added Vincent’s will, probably from 576, his last year of life. Donation and will are preserved in an 11<sup>th</sup> (or 12<sup>th</sup>) century copy bound into a 12<sup>th</sup> century bible in the 17<sup>th</sup> century, now in the library of the Museo Arqueológico Nacional de Madrid, MS. 133.<sup>10</sup> The donation made by Vincent to the monastery of Saint Victorian of Asán is understood to have preserved ‘the only concrete description of a great land patrimony in Visigothic Spain’.<sup>11</sup> The document consequently opens a window on how ‘un propietario de rango medio organizaba y explotaba su patrimonio’.<sup>12</sup> Vincent, in his own words originally unable to follow the Christian doctrine to renounce ‘all he possesses’ because of his poor standing when joining the Church (1.1.1-9), inherits, probably in the year 551 – ‘*nunc autem*’ (1.1.10) – what he describes to have been some of the meagre belongings of his parents – ‘*paupertatula parentum*’ (1.1.10). The inheritance enabled Vincent to assume the position of donor to the Church, for the benefit of the poor – ‘*in usus pauperum*’ (1.1.12), thus to be given to the monastery of Asán a not inconsiderable estate encompassing lands predominantly in three main river valleys – that of the Cinca, the Ésera and La Nueva (1.1.17-24 and 1.1.30-31), that of the Serge (1.1.25-29), and that of the Ebro (1.1.32).<sup>13</sup> This ‘modest’ property was dispersed within an area of some 10,000 km<sup>2</sup>.<sup>14</sup> Ariño Gil and Díaz have shown that the combination of the territories in question allowed the owner to practise a mixed economy, combining agriculture – consisting essentially of the Mediterranean triad grain, vines and olives – with pastoralism.<sup>15</sup>

Notwithstanding its formulaic nature, Vincent’s brief description of the bequeathed property confirms that the estate was heavily engaged in agricultural production and pastoralism (1.1.33-36): the territories that formed part of the estate were made up of (agricultural) land, vineyards, olive trees, gardens, meadows, pastures, waters and water-channels; there were entrances and approaches, and buildings; lastly, there were *coloni* and *servi*, sheep, cows and mares. All of this was given to the monastery through the donation: landed wealth, as stated, spread across some 10,000 km<sup>2</sup>, including the labour force that went with it. The standard modern reading of the passage in which

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<sup>10</sup> On the dates of donation and will, see F. Fita, ‘Patrología visigótica. Elpidio, Pompeyano, Vicente y Gabino, obispos de Huesca en el siglo VI’, *Boletín de la Real Academia de la Historia* 49 (1906), pp. 137-169, at pp. 148-151 and pp. 154-155.

<sup>11</sup> García Moreno, ‘From *coloni* to *servi*’ (n. 5), p. 204.

<sup>12</sup> Ariño Gil and Díaz, ‘Poblamiento y organización’ (n. 6), p. 225.

<sup>13</sup> For full discussion of the precise locations of the donated territories see Ariño Gil and Díaz, ‘Poblamiento y organización’ (n. 6), pp. 226-231.

<sup>14</sup> On the size of the property, see P.C. Díaz, ‘La estructura de la propiedad en la España tardoantigua: el ejemplo del monasterio de Asán’, *Studia Zamorensia Historica* 6 (1985), pp. 347-362.

<sup>15</sup> Ariño Gil and Díaz, ‘Poblamiento y organización’ (n. 6), pp. 231-235.

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Vincent describes the patrimony is well captured in the text and translation given by Corcoran:

|   |   |
|---|---|
| (1.33) Hec ergo loca, cum edificiis,                        | (1.33) Therefore, these places, with buildings, lands,                  |
| (1.34) terris, uineis, oleis, ortis, pratis, pascuis, aquis | vineyards, olive trees, gardens, meadows, pastures, waters and          |
| aquarumue ductibus, aditibus,                               | watercourses, entrances and approaches, <i>coloni</i> and slaves and    |
| (1.35) accessibus, colonis uel seruis atque omni iure suo   | their <i>peculia</i> with every right, and the herds of sheep, cows and |
| peculio uero ouium  | mares, which belong within my dominium, [...]                           |
| (1.36) uaccarum uel equarum greges que ad meum dominium     |   |
| pertinent, [...]  |   |

The passage is reminiscent of the description by Marcus Porcius Cato, from the middle of the 2<sup>nd</sup> century BCE, of the components of the ideal farm: ‘if you ask me what is the best kind of farm, I should say [...] land comprising all sorts of soils and in a good position; a vineyard comes first [...] second, a watered garden; third, an osier-bed; fourth, an olive-grove; fifth, a meadow; sixth, grain land; seventh, a wood; eighth, an *arbustum*; ninth, a mast-grove’.<sup>16</sup> And Cato, as is well known, considered slaves to be a standard part of such an estate’s *instrumentum*.<sup>17</sup> Concerning Vincent’s description of the different components that made up his landed estate, it is indeed tempting to include men and beasts automatically in the list, as Corcoran has done, following in practice the Catonian model. As a result, Corcoran’s slaves appear as mere objects, listed, it seems, to complement the sheep, cows and mares, buildings and other things. Corcoran comments that ‘(he) divide(s) after *peculio*, with *greges* as an accusative to match *loca*’.<sup>18</sup> But there is another way in which the text could be understood. For *uero* does not normally mean ‘and’, and does not normally occur as the first word in a sentence or clause. Similarly, *vel* does not need to mean ‘and’, but often more easily ‘or’; and there is no need to render *peculium* as *peculia*. If furthermore one takes *greges* as having been attracted into the case of the following *que*, a quite different meaning is possible and the passage can be punctuated and translated thus:

|   |  |
|---|--|
| (1.33) Hec ergo loca, cum edificiis,                        | (1.33) These places, therefore, with (their) buildings, lands,               |
| (1.34) terris, uineis, oleis, ortis, pratis, pascuis, aquis | vineyards, olive-groves, gardens, meadows, pastures, waters                  |
| aquarumue ductibus, aditibus,                               | and water-channels, approaches, entrances, <i>coloni</i> or <i>serui</i> and |
| (1.35) accessibus, colonis uel seruis, atque omni iure suo  | indeed all (their) <i>peculium</i> with its associated rights, consisting    |
| peculio uero ouium  | of ewes, cows and mares, the flocks of which belong to my                    |
| (1.36) uaccarum uel equarum, greges que ad meum dominium    | <i>dominium</i> , [...]  |
| pertinent, [...]  |  |

Read in this way, the ewes, cows and mares form part of the slaves’ *peculium*, a point effectively denied by Corcoran (and not mentioned by Díaz). Thus, the slaves are not listed as on a par with the animals, but as being in possession of these – as Fortacín

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<sup>16</sup> Cato, *De agricultura* 1.7. (The standard edition of Cato is that produced in the Bibliotheca Teubneriana: G. Goetz (ed.), M. Porci Catonis, *De agri cultura* (Leipzig, 1922).)

<sup>17</sup> This is most strikingly documented in Cato’s ‘inventory lists’ for both his ideal olive-grove and vineyard: *De agricultura* 10.1 and 11.1; and very similarly in Varro, *De re rustica* 1.17.1. (The standard edition of Varro is that produced in the Bibliotheca Teubneriana: G. Goetz (ed.), M. Terenti Varronis, *Rerum Rusticarum* (Leipzig, 1870).)

<sup>18</sup> Corcoran, ‘The donation and will’ (n. 8), p. 217, note 3, referring to Fortacín Piedrafita, ‘La donación’ (n. 7), pp. 46-47.

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Piedrafita has already suggested. The question that arises is which interpretation is more plausible if the document is studied in its socio-economic context, as well as from the perspective of the socio-economic logistics of slavery more generally.

It is striking, then, that the *peculium* is mentioned as a matter of fact, so as to suggest a widespread practice. Importantly, this is not an isolated occurrence in our evidence from Visigothic Spain: the same impression is gained from the *Liber Iudicum*, which gathered legal statutes from just after the mid 5<sup>th</sup> century (i.e. the reign of Euric, 466-484) until the very beginning of the 8<sup>th</sup> century. Commenting on the *peculium* of Visigothic slaves, García Morena has noted that '(t)his *peculium* could be made up of ornaments, movable goods and all kinds of animals'; and he has subsequently suggested that the utility of animals 'is only understood if those slaves had their own land'.<sup>19</sup> The assumption that slaves whose *peculia* included animals would have owned (?) land is a crucial element in García Morena's argument that the *servi* mentioned in the donation to the monastery of Asán are more akin to peasants or tenants, i.e. what he calls the *servi casati* or *quasi coloni* of earlier days, documenting 'a convergence between slaves and *liberi* in relation to their legal capacity and personality'<sup>20</sup> because of perceived changes in the slaves' 'land working conditions'<sup>21</sup>. But the combination of slave status with *peculium* that included animals is well known from Roman times without the necessity for the slaves to have 'had their own land'.

To begin with, slave *peculium* consisting of animals is well documented already for the republican period. The *De re rustica* of Marcus Terentius Varro, written in the second half of the 1<sup>st</sup> century BCE, is instructive. In Book 2, Varro discusses the purpose of allocating *peculium* to agricultural slaves:<sup>22</sup>

in hoc genere semiuocalium adiciendum de pecore [...] quae solent esse peculiaria pauca habenda, quo facilius mancipia se tueri et assidua esse possint.

Under this section of inarticulate equipment is to be added [...] the few animals that are kept as the slaves' *peculium*, which makes it easier for them to maintain themselves and to be more diligent.

As the passage makes clear, the *peculium* of agricultural slaves was crucial for the slaves' food provisioning. Important for present purposes, there is no mention of land. Yet, in his first mention of *peculium*, earlier in the same book, Varro emphasised clearly the relationship between the slaves' *peculium* and their ability to pasture (animals):<sup>23</sup>

[...] seruis *peculium*, quibus domini dant ut pascant [...]

[...] the *peculium* for the slaves, which the master gives them so that they can pasture [...]

To all appearances, Varro took it for granted that the slaves made use of their master's land, or of publicly available land, to keep their animals. The Roman material provides, then, for a clear precedent that slaves with animals as (part of) their *peculium* need not have been in formal possession of land. The omission of land from the slaves' *peculium* by

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<sup>19</sup> García Morena, 'From *coloni* to *servi*' (n. 5), p. 209.

<sup>20</sup> García Morena, 'From *coloni* to *servi*' (n. 5), p. 212.

<sup>21</sup> García Moreno, 'From *coloni* to *servi*' (n. 5), *passim*, and esp. at pp. 208-210.

<sup>22</sup> Varro, *De re rustica* 1.19.3.

<sup>23</sup> Varro, *De re rustica* 1.2.17.

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Varro is even more significant in the light of the fact that land *could* be part of *peculium* in the Roman world.<sup>24</sup> This was not unknown to Varro – for he took recourse to this practice too. Thus, in the continuation to the passage quoted above, Varro states the following:<sup>25</sup>

In eo numero non modo qui prata habent, ut potius oues quam sues habeant curant, sed etiam qui non solum pratorum causa habent, propter stercus.

Amongst these, not only those who have pasture land, but also those who have animals because of their pasture land seek to have sheep rather than pigs, because of the manure.

Here, sheep are identified as the preferred animal for slaves with land, i.e. by those *qui prata habent*, but indeed also by those with other interests in land use, because of the benefit derived from the animals' manure. But it would be rash to assume that Varro provided all slaves who had possession of animals with land – for in another passage, Varro commented on the slaves' use of animals allocated them as (part of) their *peculium* on the master's land, the *fundus*:<sup>26</sup>

Studiosiores ad opus fieri liberalius tractando aut cibariis aut uestitu largiore aut remissione operis concessioneue, ut peculiare aliquid in fundo pascere liceat, huiusce modi rerum aliis [...]

By treating the slaves more liberally as regards food or clothing, or by giving them leave from work or permission to pasture some animals of their own on the *fundus*, or other things of this kind, they are made more eager for work [...]

It is clear, here, that the *fundus* – being the whole farm – would not have been given to the slaves as (part of their) *peculium*. Yet, Varro evidently assumed that the animals that were given to the slaves in their *peculium* would be kept on the estate. Consequently, the use of land by slaves might also have been subject to the master's tacit toleration. The Roman legal evidence provides further documentation of the type of *peculium* allowances here discussed, both for the republican and the imperial period.<sup>27</sup> Moreover, the legal evidence shows that slaves were allowed to increase their *peculium* through their economic agency.<sup>28</sup> The use of *peculium* that included 'all kinds of animals' in slave management is, then, well documented for the Roman period, with or without land having been granted the slaves.<sup>29</sup> But the possession of animals and land by Roman slaves in their *peculium* has not led to the slaves' identification as autonomous peasants or tenants. Crucially, the Roman example is not peculiar.

In addition to the allocation of *peculium* to their troublesome property by Roman masters, the practice of allocating resources to slaves to support their maintenance is well known also from later slave systems: such examples do not prove the occurrence of similar or identical practices in earlier societies, but they serve to both illustrate and flesh out practices less well documented in such earlier societies; they function moreover to sketch historical possibilities, here within a forced labour system. Thus, in the modern

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<sup>24</sup> Digest 15.1.7.4 (Ulpian).

<sup>25</sup> Varro, *De re rustica* 1.19.3.

<sup>26</sup> Varro, *De re rustica* 1.17.7.

<sup>27</sup> Much relevant evidence is assembled in Book 15 of the Digest; e.g., Digest 15.1.4 (Pomponius). The same holds true for *vicarii*: e.g., Digest 15.1.4.6 (Pomponius), or Digest 15.1.4.6 (Celsus).

<sup>28</sup> e.g., Digest 15.1.27 (Gaius); 15.1.39 (Florentinus); 15.1.49 (Pomponius).

<sup>29</sup> I have discussed this topic at greater length in 'Food, status, and the *peculium* of agricultural slaves', *Journal of Roman Archaeology* 18 (2005), pp. 278-292.

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Americas, for instance, masters may have ‘allocated or required slaves to feed themselves by ceding them a portion of their time and access to gardens (sometimes called houseplots or yards), and provision grounds (sometimes called *conucos*, *polinks*, or “negro grounds”)<sup>30</sup>. There exists moreover plenty of evidence for the slaves’ involvement in active trading of the goods they produced, with other slaves, with their masters, or at market, increasing in turn their ‘bargaining’ power vis-à-vis their masters not least with regard to the arrangements concerning the provision grounds, including deliberations between slaves and masters over the allocation of due time to work ‘for oneself’.<sup>31</sup> Some masters entered detailed agreements with their slaves on their (i.e. the master’s) share of the goods that the slaves produced in exchange for the time and production means allowed them.<sup>32</sup> Whatever the specific arrangements in individual cases that framed what has been termed ‘the slaves’ economy’<sup>33</sup>, slaves in the Americas, like their Roman counterparts, were known to have been given animals for their ‘personal’ use, just as they might (but need not) have been given land.

Evidently, Vincent did not live in Roman Italy or in 18<sup>th</sup> century Brazil. But if the document that has given cause for the present inquiry is studied in the context of the practices known from other slave societies, patterns long identified in earlier and later sources for slavery are surely discernible. It makes therefore good sense to understand and translate the relevant passage in the donation as suggested above. But even if we do, there exists no reason to assert categorically that the type of *peculium* allowances documented in Vincent’s donation to the monastery indicates a change in slave status in Visigothic Spain: allowances that included animals and land have been part and parcel of slave management throughout the ages; and the information available through Vincent’s donation suggests nothing different. Yet, to understand more fully the role of *peculium* in the management of slaves as practised in the Visigothic period by Church and cleric, we need to turn to Vincent’s will.

### III. SLAVERY IN THE WILL

Perhaps added on his death-bed to the earlier donation, Vincent’s will affords yet further insights into the practice of slavery, by both an individual cleric and the Church.<sup>34</sup> However many slaves Vincent donated to the monastery of Asán in 551 (when he bequeathed three-quarters of his holdings, reserving a fourth part to himself),<sup>35</sup> most of

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<sup>30</sup> I. Berlin and P.D. Morgan (edd.), *Cultivation and Culture. Labor and the Shaping of Slave Life in the Americas* (Charlottesville and London, 1993), p. 23.

<sup>31</sup> A good overview of the issues involved is provided on the example of Caribbean slavery in the section titled ‘Subaltern Autonomy: Social and Economic Culture’ in V. Shepherd and H.McD. Beckles (edd.), *Caribbean Slavery in the Atlantic World* (Kingston, 2000), pp. 712-783.

<sup>32</sup> Good examples of the different approaches to slave management are collected in J.O. Breeden, *Advice amongst Masters. The Ideal in Slave Management in the Old South* (Westport/CT, 1980).

<sup>33</sup> I. Berlin and P.D. Morgan (edd.), *The Slaves’ Economy. Independent Production by Slaves in the Americas* (London, 1991).

<sup>34</sup> Díaz, ‘El testamento’ (n. 5), p. 264, differentiates the three slaves mentioned in the first five lines (2.1-5) as being owned by Vincent himself, from those named later on in the text (2.10-16) as being owned by the church. The surviving text does not of course in Roman law terms constitute a will, since it does not mention the institution of an heir, but a *donatio mortis causa*; the language nonetheless recalls that of Roman wills.

<sup>35</sup> This is stated by Vincent: 1.42; for comment see Corcoran, ‘The donation and will’ (n. 8), p. 217,



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those that were still part of his property when the testament was written are passed on to the Holy Church of Huesca upon Vincent's death (1.34-36). Vincent moreover pointed out that the priest of the church, when visiting his estates in the territory of Tierrantona, should be able to reside in the property at Alueza, so that he can see to the necessary business, i.e. the defence of the church's rights pertaining to the estate, 'including buildings, vineyards, fields, pastures and the slaves living there' – *cum edificiis, vineis, agris, pascuis, uel mancipiis idibem consistentibus* (1.40-41): church and cleric were large-scale slave owners.

But the most exciting aspect of Vincent's will for the student of slavery is the list of manumissions which it contains. The interpretation of the list is complicated by the break in the text at the very beginning of the second folio of the manuscript. Yet, as the text stands, the list of manumissions appears to privilege a select group of male slaves who are liberated upon Vincent's death. In their discussions of the slaves named in the surviving text, both Díaz and Corcoran have focussed on the legal statuses of those manumitted.<sup>36</sup> This is understandable given the seemingly peculiar mix of status descriptions (after manumission) offered in the will – i.e. those of *civis romanus*, *ingenuus* and *liber*. But if the manumission list is unpacked in the first instance not with a view to those mentioned by name, much more can be learnt about the workings of slavery in Visigothic Spain that will also assist in contextualising what Vincent is doing when seemingly randomly granting freedom with or without the transfer of property.

### *Women and children*

In contrast to previous approaches, I begin my analysis of the manumission list not with a discussion of the legal statuses of those named in the will, but with a discussion of those whose mention is dependent on one or other named male slave – in the first instance, the wife and children of Campinus (2.11), and the children of Eugenius (2.12). Once more, Corcoran's text and translation express well the standard view of the relationship between named male slaves, wife and (twice) children, and *peculium*:

(2.11) [...] Campinum cum uxore et filiis suis liberos esse decernimus, peculia<ria>

(2.12) sua concessa. Eugenium cum filiis suis ciues Romanos esse decernimus,

(13) pecularia sua relaxata.

(2.11) We decree that Campinus with his wife and children be free, with the grant of the property in his *peculium*.

(2.12) We decree that Eugenius with his children become Roman citizens, with the property of his *peculium* released to him.

According to this translation, wife and children were manumitted in addition (and next) to the respective male slaves, and in addition (and next) to the *peculium* possessed by the slaves. But there exists, once again, another interpretative possibility that would suggest that the woman and the children were not just freed in addition to their respective partner and fathers, but that their liberation was directly related to their dependent relationship to the named male slaves. If the ablative absolute in the two relevant sentences is understood to indicate causation, the woman and children appear as *possessed* by the named male slaves – i.e. their partner and fathers respectively – as (part of) the

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footnote 4.

<sup>36</sup> Díaz, 'El testamento' (n. 5), pp. 260-270; Corcoran, 'The donation and will' (n. 8), p. 221.

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latter's *peculium*, and, hence, surrendered to them through Vincent's explicit statement releasing the *peculium: pecularia sua concessa* and *pecularia sua relaxata*. On that interpretation, the relevant lines in the will should be translated thus:

(2.11) [...] Campinum cum uxore et filiis suis liberos esse decernimus, peculia<ria>

(2.12) sua concessa. Eugenium cum filiis suis ciues Romanos esse decernimus,

(2.13) pecularia sua relaxata [...]

(2.11) We decree that Campinus, as well as his wife and children, be free, (because of) his *peculium* having been granted him.

(2.12) We decree that Eugenius with his children become Roman citizens, (because of) his *peculium* having been released to him.

In other words, Campinus' wife and children, just like Eugenius' children, emerge as their *vicarii*, i.e. as sub-owned slaves, and Campinus, just like Eugenius, the *ordinarius* to his family. (And we may wish to speculate that Eugenius' wife, too, formed part of his *peculium*, but died before Vincent wrote his will.) To be sure, Vincent was not obliged to allow Campinus and Eugenius their *peculium* upon manumission, but he expressly transfers it;<sup>37</sup> nor did he need to manumit the woman and children – he could have left the latter act to the freed male slaves, but to do so now meant to retain the patron's rights over the freed woman and children in addition to the patron's rights over the freed men.<sup>38</sup> Thus, the will of Vincent of Huesca *might* constitute evidence for slave sub-ownership in the countryside of Visigothic Spain that is fully consistent with earlier Roman practice.<sup>39</sup> We know of course from the *Leges Visigothorum* that slaves could possess property allowed them by their masters as their *peculium*, including other slaves. But what we cannot infer so easily from the law-code is that women might have been disproportionately disadvantaged regarding the possibility of exiting the slave system through manumission – at least if the interpretation here offered of the (surviving) manumission list in Vincent's will should be deemed indicative of the general situation of rural slaves in Visigothic Spain: in that scenario, only men leave slavery behind in their own right; for the woman (and children), manumission was dependent on the fate of their male partner (and fathers).<sup>40</sup> To gain clarity on the matter, a closer analysis of the

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<sup>37</sup> The transfer of *peculium* is included in three Visigothic formulae: MGH, *Legum Sectio V. Formulae* (Hannover, 1886), 'Formulae Visigothicae', no. 2, p. 576; no. 5, p. 577; no. 6, pp. 577-578. H. Nehlsen still saw in this a break from Roman law: *Sklavenrecht zwischen Antike und Mittelalter. Germanisches und römisches Recht in den germanischen Rechtsaufzeichnungen, I: Ostgoten, Westgoten, Franken, Langobarden* (Göttingen, Frankfurt, Zürich, 1972), pp. 168-170, referring to E. Levy's *Weströmisches Vulgarrecht. Das Obligationsrecht* (Weimar, 1956), pp. 70-72, referring to L. Mitteis' *Reichsrecht und Volksrecht in den östlichen Provinzen des römischen Kaiserreiches* (Leipzig, 1891), pp. 381-382; see also W.W. Buckland, *The Roman Law of Slavery* (Cambridge, 1908), pp. 189-190. But there exists in fact no break from Roman law at all because the explicit transfer of *peculium* was required in all manumission modes also at Rome: U. Roth, 'Peculium, freedom, citizenship: golden triangle or vicious circle? An act in two parts', in eadem (ed.), *By the Sweat of Your Brow: Roman Slavery in its Socio-Economic Setting* (London, 2010), pp. 91-120, esp. pp. 94-106.

<sup>38</sup> Whether the patron's rights were those of the church or those of Vincent depends on one's view of the ownership of the slaves by either the church or Vincent; see above note 34.

<sup>39</sup> For discussion of the Roman evidence, see N. Baba, 'Slave-owning slaves and the structure of slavery in the early Roman Empire', *Kodai* 1 (1990), pp. 24-35, and F. Reduzzi Merola, *Servo parere* (Naples, 1990); for discussion of slave sub-ownership structures in the countryside of Roman Italy, see Roth, 'Food, status, and the *peculium* of agricultural slaves' (n. 29).

<sup>40</sup> Female slaves in the Roman period have often been regarded by modern scholars as more likely to achieve manumission than male slaves: e.g., I. Weiler, *Die Beendigung des Sklavenstatus im Altertum. Ein Beitrag zur vergleichende Sozialgeschichte*. (Stuttgart, 2003), pp. 254-260. Weiler, like others, foregrounds the female slaves' chances to be manumitted by a male owner for the purpose of marriage. On mathematical grounds

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manumission grants is necessary.

It is notable, then, that Campinus and Eugenius are not *explicitly* given any land. This stands in contrast to the explicit land grants enjoyed by some of the other men mentioned in the will, on five occasions – i.e. grants that *itemise* size, location or type of land. Thus, the individual whose name has not survived is given a vineyard of four *centuae* in the territory of Plasencia (2.1); Dominus is given twenty *modii* of arable (2.3); Elicianis is given six *centuae* of land otherwise unspecified in type, but located in the territory of Ceresa (2.5); Monnellus is granted ‘the *colonica* which he holds in the territory of Gestain’ (2.13); and Mattheus is given ten *centuae* of land, again otherwise unspecified in type, but located in the territory of Alueza (2.14). Superficially read, Campinus and Eugenius were given instead a family to feed, without the means to do so. It is striking in this context that of the five individuals who were granted a specified piece of land, none appears to have had *peculium*, or, in any case, the *peculium* is not transferred (in its totality). Campinus and Eugenius, in contrast, are explicitly allowed their *peculium* upon manumission. The question is why?

As was seen, Vincent has focussed in the donation on cattle and sheep, next to horses, when referring to the slaves’ *peculium*: *ouium uaccarum uel equarum greges que ad meum dominium pertinent* (1.36; see above). Varro too, as was seen, specified (working) animals. This similarity in approach to the slaves’ *peculium* is not surprising given the structural similarities in geographic context, characterised by the Mediterranean climate, and, hence, in land exploitation. Ownership of cattle and sheep stood at the beginning of the development of the concept of *peculium*, and both ancient authors and modern commentators have always been aware of the ‘agricultural and, more precisely, animal-raising genesis’ that is inherent in the etymology of the word *peculium*.<sup>41</sup> No other group of animals has provided man with a wider range of products than these, especially sheep, which have been known to furnish nomadic pastoralists with ‘all their needs including housing (from felt to fabric) and even transport’.<sup>42</sup> During the animal’s lifetime, blood and milk can provide essential nutriment for human consumption, and both raw products can be relatively easily turned into more durable products such as black pudding (blood), cheese, yoghurt and butter (milk), all important winter foods; whilst the dung was used to fertilize arable land, as Varro knew well, thus enabling more successful fruit and vegetable growing. The range of products for human consumption derived from the live animal was virtually unmatched. Besides food production, the fleece of sheep has been a prime raw product for the manufacture of clothing, which could, by way of trade and barter, also be turned into consumables.<sup>43</sup> After the animal’s death, meat, fat and bone (marrow) enriched the table; skins, horns and guts supplied the raw materials for clothing and utensils, which, like the fleece, could be utilised as a means of exchange. All these products are well attested in both ancient and modern comparative evidence.<sup>44</sup> Unlike other animals, sheep, just like cattle, are not known to have served any

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alone, this could only have affected a small proportion of female slaves.

<sup>41</sup> I. Žeber, *A Study of the peculium of a Slave in Pre-Classical and Classical Roman Law* (Wrocław, 1981), p. 10.

<sup>42</sup> M.L. Ryder, *Sheep and Man* (London, 1983), p. 712.

<sup>43</sup> In the Roman period, female wool-workers are attested as trading out of their *peculium*: Digest 15.1.27 (Gaius).

<sup>44</sup> Ryder, *Sheep and Man* (n. 42), pp. 712-739; and for the Roman period in particular J.M. Frayn, *Sheep-Rearing and the Wool Trade in Italy during the Roman Period* (Liverpool, 1984), pp. 127-141 (esp. on dairy

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other function than that of a *Nutztier*. Seen in the round, the grant of such animals and pasture land (or at least access to pasture) to agricultural slaves by their masters under a *peculium* arrangement is directed at the slaves' maintenance – more specifically at the maintenance of family life.<sup>45</sup> There exists, then, a structural relationship between property and family that affords a new insight into the seeming disadvantages placed on Campinus and Eugenius: the holding of *peculium* is connected to the maintenance of family life. Put differently, in slavery, as elsewhere, property and family went hand in hand, as Max Weber succinctly put it: 'der Sklavenehe entspricht das Sklaveneigentum'.<sup>46</sup> The reason, then, why Campinus and Eugenius were not overtly given a piece of land can be best explained by the proposition that they already held land (and other things) as part of their *peculium*, i.e. that the *peculium* provided them with everything needed to maintain their families. Thus, the mention of wife and children in the will is implicit evidence for the existence (i.e. the slaves' possession) of the means of production required to support the families' livelihoods.

But Vincent goes one step further when he specifies *female* sheep, cattle, and horses – ewes, cows, and mares – in the slaves' *peculium* in the donation.<sup>47</sup> The rationale is apparent through a modern comparison. At the start of the 21<sup>st</sup> century, the charity Oxfam created a gift scheme that allowed individuals to 'purchase' the gift of a female goat to be given to family units in need in underdeveloped countries in order to enhance their subsistence level. The Oxfam UK advertisement for the gift scheme benefitting families in rural Malawi for instance stated that '(t)hrough the "Goat pass-it-on scheme", Oxfam is able to help farming families have a varied and reliable income. A goat can produce up to six kids a year that can be sold, provide manure to improve crops and produce milk'.<sup>48</sup> Oxfam Canada has emphasised further that the gifts are 'not about food security, they are about ensuring communities have access to marketable products, like milk, wool or eggs', and that, moreover, 'the first female kid produced by your gift is given to another family so the magic can begin again'.<sup>49</sup> In short, the gift of a female goat provides the basis for the creation of a flock, which in turn ensures the family's keep above the subsistence level. The same would have been true in Visigothic Spain as regards the ewes, cows and mares given to the slaves as (part of) their *peculium*.

But, as suggested above, the male slaves' *peculium* might not have consisted just of animals: in the case of Campinus, as well as in that of Eugenius, the only two men for whom we have additional information about their *peculium*, the *peculium* might have included family members. Bearing in mind what has just been said about the purpose of

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produce).

<sup>45</sup> Modern scholarship on Roman slavery has traditionally foregrounded the use of *peculium* to enhance the masters' business capacity; e.g., J. Crook, *Law and Life of Rome* (London, 1967), pp. 188-191; A. Kirschenbaum, *Sons, Slaves and Freedmen in Roman Commerce* (Jerusalem, 1987), pp. 31-88; A. Watson, *Roman Slave Law* (London, 1987), pp. 90-101.

<sup>46</sup> M. Weber, 'Die sozialen Gründe des Untergangs der antiken Kultur', in Marianne Weber (ed.), *Gesammelte Aufsätze zur Sozial- und Wirtschaftsgeschichte von Max Weber* (Tübingen, 1924), pp. 289-311, at p. 298 (originally published in *Die Wahrheit* 6 (1896), pp. 57-77).

<sup>47</sup> *onium* could refer to either male or female sheep, or to both together; but in a list with *uaccarum* and *equarum*, the most likely rendering is 'ewes'.

<sup>48</sup> [http://www.oxfam.org.uk/shop/oxfam-unwrapped/your-gifts-in-action?intcmp=ou\\_E-4\\_31\\_needed\\_20131028](http://www.oxfam.org.uk/shop/oxfam-unwrapped/your-gifts-in-action?intcmp=ou_E-4_31_needed_20131028); accessed on 7 April 2015.

<sup>49</sup> [https://secure.oxfam.ca/unwrapped/gift.php?gift\\_id=1](https://secure.oxfam.ca/unwrapped/gift.php?gift_id=1); accessed on 7 April 2015.

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animals such as sheep in a slave's *peculium*, the allocation of a female partner to a male slave's *peculium* is directed, first, at procreation – here, the creation of a family unit; and, second, at the unit's maintenance and welfare.<sup>50</sup> As a result, a male slave with a female partner and children in his *peculium* would have benefitted from additional (wo)manpower in the care of his (increasing) *peculiarita*. The underlying situation has been strikingly encapsulated in Varro's contention that (free) poor people relied on all family members to boost the labour potential available to them: '(a)ll agriculture is carried on by men – slaves, free men, or both; by free men when they till the ground themselves, as many poor people do with the help of their families [...]'.<sup>51</sup> Men of standing, both in Varro's days as in those of Vincent, would instead make use of slave, dependent and hired free labour. Ordinary agricultural slaves who lived and worked in family units were, in contrast, captured by the Varonian dictum about the exploitation of family members, in the same fashion as the free poor for whom the quip was designed. This, in essence, is what Weber summarised in the already once quoted aphorism that equates slave marriage with slave property: 'der Sklavenehe entspricht das Sklaveneigentum'. *Mutatis mutandis*, for Campinus, and most likely also for Eugenius, the *peculium* provided not merely the basis for (slave) family life (in its provisioning of the means of production, including the labour force), but was co-extensive with it. Whilst, then, the text allows for multiple interpretations, the socio-economics of slave management suggest that the relevant sentences in Vincent's will should be interpreted and translated as suggested at the outset of this section. But what, then, of those manumitted by Vincent without *peculium*?

### *Men without women and children*

In addition to Campinus and Eugenius, the men that are listed in Vincent's will as benefitting from manumission include Elicianis (2.5), Monnellus (2.13), Mattheus (2.14), Eucerus (2.15), Marturius (2.16), Ilipidius (2.16), as well as the individual whose name is lost because of the gap in the folio (2.1). But unlike Campinus and Eugenius, none of these men is 'accompanied' by any family members. If we begin our analysis with the first listed slave (2.1), the structural relationship between family life and property explored above on the fates of Campinus and Eugenius is equally useful to explain the grant of land and labourers that come with the man's manumission:

(1) [1<sup>st</sup> half line missing] cartulam ingenuitatis fecimus.

(2) et nunc ipsam confirmantes, in locum Placentia, ei uinee centuas quattuor et

(3) mancipia uagantia duo donamus rei.

(1) ... we made a charter of free-birth. And now confirming this, we give him in the locus, Plasencia, four *centuae* of vineyard and two unattached slaves as chattels.

In contrast to Campinus and Eugenius, whose land and labour supplies are provided through their *peculium* allowances, this man is explicitly given land and labourers, i.e. a vineyard and two slaves. Seen from the perspective advocated above, the man is provided with the *basis* for family life, i.e. land and the labour force needed to profit from

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<sup>50</sup> The allocation of a female partner to a male slave's *peculium* is not the only manner in which slave masters encouraged 'breeding' amongst their slaves. The topic is more fully discussed in studies of modern slaveries, including the modern (scholarly) handling of the topic; see, e.g., G. D. Smithers, *Slave Breeding: Sex, Violence, and Memory in African American History* (Gainesville, 2013).

<sup>51</sup> Varro, *De re rustica* 1.17.2.

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its fruits – either because he did not have a *peculium*, or because Vincent was not minded to transfer it upon manumission: with land and labourers, he was in a position to start, and subsequently maintain, a family. But it is also important to note that the man's future welfare without slavery was supported by the exploitation of others as slaves, i.e. the *mancipia uagantia duo*, who are given to him as *res* – things.<sup>52</sup> That said, two agricultural slaves are unlikely to have been enough for the man to join the ranks of those who could renounce the labour exploitation of their family members for good, now and in future. But the importance of small-scale slave ownership of the type here documented must not be underestimated: if widely practised, such small-scale slave ownership encourages a greater stake in the continuity of slave exploitation amongst the free population, for which late 18<sup>th</sup> and early 19<sup>th</sup> century Brazil is a good example.<sup>53</sup>

Monnellus, of course, is a quite different kettle of fish, and has caused, for good reason, Corcoran, Díaz and others a not inconsiderable headache.<sup>54</sup> For Monnellus is referred to as holding a *colonica*, which is now allowed him by Vincent, having simultaneously made a free-born man, an *ingenuus*, out of Monnellus:

(2.13) [...] Monnellum uero ingenuum esse decernimus. colo- (2.13) And we decree that Monnellus be free-born. We grant  
(2.14) nicam quam tenet in locum Gestai ei {ei} concedimus. him the *colonica* which he holds in the locus, Gestáin.

García Moreno contends that 'when he was a slave Monnellus already had occupied a holding, which had been appropriate in older times for a *colonus*'.<sup>55</sup> García Moreno's assessment of Monnellus' situation is linked to the wider view that especially some Córdoba notary *formulae* 'show how inseparable the slaves were from the land they worked, when the transmission of land was linked to the transmission of the slaves'.<sup>56</sup> Furthermore, García Moreno concludes that the Visigothic 'rural slaves usually were autonomous tenants'.<sup>57</sup> In consequence, Monnellus is described as 'the tenant holding it [i.e. the *colonica*]'; and the term *colonica* as the word 'used for recording a tenure'.<sup>58</sup> But however one should interpret the relevant *formulae*, it is actually quite unclear in the lines concerning Monnellus what the adjective *colonica* relates to, or whether the word had become understood by itself as identifying a particular arrangement for the exploitation of the land, or a particular type of holding. Evidently, in contrast to the other men who

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<sup>52</sup> The text does not provide clarity on the meaning of *uagantia*. In the light of the context, it is possible to speculate that this description is not unlike the use of the term *soluti* to describe trustworthy and reliable slaves in the Roman literary evidence of the early Empire: U. Roth, 'Men without hope', *Papers of the British School at Rome* 79 (2011), pp. 71-94, at pp. 74-84.

<sup>53</sup> In São Paulo, for instance, slave ownership typically reached an average of one-third of free households in the late 18<sup>th</sup> and the early 19<sup>th</sup> century, with the county of Cunha in the Valley of Paraíba (which focussed on the production of traditional food crops) representing the most extreme case, with slave ownership levels of up to 80% amongst the households involved in farming; and the vast majority of slave owners, typically well over three-quarters, held less than nine slaves: F. Luna and H.S. Klein, *Slavery and the Economy of São Paulo 1750-1850* (Stanford, 2003), pp. 86-91 (for Cunha) and pp. 107-132.

<sup>54</sup> See Corcoran, 'The donation and will' (n. 8), p. 221, esp. footnote 21, and Díaz, 'El testamento' (n. 5), p. 264 and pp. 266-270.

<sup>55</sup> García Moreno, 'From *coloni* to *servi*?' (n. 5), p. 209.

<sup>56</sup> García Moreno, 'From *coloni* to *servi*?' (n. 5), p. 209, referring to 'Formulae Visigothicae' (n. 37), no. 8, p. 579; no. 9, pp. 579-580.

<sup>57</sup> García Moreno, 'From *coloni* to *servi*?' (n. 5), p. 212.

<sup>58</sup> García Moreno, 'From *coloni* to *servi*?' (n. 5), p. 204.

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receive a specifically described land grant, Monnellus appears already in possession of the object – *colonicam quam tenet* (2.13-14), whatever it consisted of. There was therefore no need for Vincent to provide additional information, as he did with the other men when specifying the size or type of land to be allocated to them. Instead, Vincent refers to the object in a way that would have plainly identified the property that he wanted Monnellus to receive, in the territory of Gestáin. But there is nothing unusual about transferring upon manumission property that a slave has hitherto worked.<sup>59</sup> And there exists no fundamental reason why such a transfer should be seen as putting in question, by itself, the individual's servile status before manumission. García Moreno in fact admits that the word *colonica* appears only once in the document; and he subsequently comments on 'the rare use of the term *colonica* in Spain',<sup>60</sup> disallowing meaningful comparison with contemporary Spanish documents.<sup>61</sup> Instead of questioning the man's servile status, the transfer, in conjunction with Monnellus' manumission, could be understood to indicate that the *colonica* might well have been part of his *peculium* whilst a slave, in his possession as we have just seen. Perhaps, the man's mention in the manumission list immediately after Campinus and Eugenius is not incidental, but a logical sequence in Vincent's thought when dealing with manumissions that involved the transfer of *peculium*? Naturally, the *colonica* may have been only part of Monnellus' *peculium* – and the rest kept back. Alternatively, Monnellus might merely have been in charge of the *colonica* whilst a slave, i.e. the *colonica* may not have formed part of his *peculium* (and he may not have had a *peculium* at all). Either way, we are left to speculate as to what came with the *colonica* when Monnellus is manumitted: land, buildings, animals, slaves? Assuming, however, that the 'colonic gift' received by Monnellus was not a wee dry patch of land, it most likely provided Monnellus with the basis for family life upon manumission, especially if it included animals and a labour force, however small: this, as we have seen on the examples so far discussed, was the quintessential structural foundation for Vincent's slave liberations. But neither the text, nor the adduced contexts suggest that Monnellus' land-working conditions before manumission need to be understood as those of an autonomous tenant: they appear perfectly in keeping with standard slave management practices.

Dominus, too, is provided with land, and a labourer, not unlike the first listed man; but there are additional complications in interpreting Dominus' case:

(2.3) [...] Domino conlactaneo meo in domum

(2.4) Asseressse terra sacionale ad modius XX donamus cum operario qui hoc ei

(2.5) excolere in nomine Domini debeat.

(2.3) To Dominus my fellow-nursling, at the farm at Ceresa,

we give 20 modii of arable land plus the labourer, who must till this for him in the Lord's name.

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<sup>59</sup> It is worth pointing out that Roman agricultural discourse emphasises for instance the transmission of *peculium* upon a slave's sale and relocation: Varro, *De re rustica* 2.10.5. The same idea is evident also in the Roman legal discourse on manumission: Digest 15.1.53 (Paul); see also note 37 above.

<sup>60</sup> García Moreno, 'From *coloni* to *servi*' (n. 5), p. 204.

<sup>61</sup> The contrast to the abundant use of the term for instance in the Frankish sources is strikingly brought to the fore by a single, comparable document from the first half of the 8<sup>th</sup> century – the will of Abbo from 739, which made the monastery of Novalesa heir to Abbo's landed estate, dispersed over territory of nearly 35,000 km<sup>2</sup> in (modern-day) southern France and northern Italy: P.J. Geary, *Aristocracy in Provence. The Rhône Basin at the Dawn of the Carolingian Age* (Stuttgart, 1985); and pp. 80-100 for discussion of Abbo's landholdings.

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Unlike in most other cases in the will, manumission is not mentioned here. Díaz, following Fortacín Piedrafita, has considered the possibility that Dominus might not have been a slave, but instead a son of the man put in charge of the administration of the estate of Vincent's parents.<sup>62</sup> But merely because he and Vincent were wet-nursed by the same woman need not indicate that Dominus was not a slave, i.e. that he carried high(er) status (than slaves). In the Roman world, slaves were known to have been wet-nursed together with the offspring of families of highest status, including the offspring of their masters.<sup>63</sup> And in view of the significance that slavery had for and on the estate of Vincent's family, it is perfectly possible that Dominus was the offspring of one of their female slaves. Even in that scenario we are not forced to see Dominus as having been freed prior to Vincent's will, as Díaz does,<sup>64</sup> as there is no reason to exclude the possibility that the grant of the twenty *modii* of land could have been envisaged by Vincent to enrich (or establish) the slave's *peculium*. (And why should we assume that the man put in charge of the administration of the estate of Vincent's parents cannot have been a slave?<sup>65</sup>) The labourer, *operarius*, if servile, would then have become Dominus' *vicarius*. I see no way of reaching certainty either way.

Obviously, most of the other slaves mentioned in Vincent's will were not quite as lucky in their grants as those so far discussed. Elicianis and Mattheus, for instance, gained only land in addition to freedom:

(2.5) Elicianem ingenuum esse decerno. in locum  
(2.6) Asserese sex centuas donamus terre.

(2.5) I decree that Elicianis be free-born. We give him six  
*centuae* of land in the territory of Ceresia.

(2.14) Matheum uero ingenuum  
(2.15) esse decernimus, cui in locum Larbesa terre centuas  
decem donamus.

(2.14) And we decree that Mattheus be free-born, and we give  
him ten *centuae* of land in the territory of Alueza.

In essence, through the provision of land, Elicianis and Mattheus are also given the basis for sustaining a family; the latter, as Varro contended, would have been required to work the property if the men wanted to prosper, unless they managed to acquire slaves or hire labour. In contrast, the scenario of the hired labourer might well soon have applied to the last three named men in the will, Eucerius, Marturius and Ilipidius, who gain freedom only, but without the means to live freely:

(15) Euce-  
(16) rium uero sicut dudum eum in presentia filiorum  
absoluimus, liberum esse de-  
(17) cerno. Marturium <et> Ilipidium liberos esse  
decernimus.

(15) And even as formerly we released him in front of <our>  
sons, we decree that Eucerius be free.  
(16) We decree that Marturius <and> Ilipidius be free.

In the rural contexts here discussed, such awards of freedom (only) appear unlikely to

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<sup>62</sup> Díaz, 'El testamento' (n. 5), p. 263.

<sup>63</sup> For a succinct summary of the employment of female slaves as wet-nurses in classical antiquity, see L. Schumacher, *Sklaverei in der Antike. Alltag und Schicksal der Unfreien* (München, 2001), pp. 205-209.

<sup>64</sup> Díaz, 'El testamento' (n. 5), p. 263.

<sup>65</sup> There exists abundant evidence from the Roman world for servile estate managers: J.-J. Aubert, *Business Managers in Ancient Rome. A Social and Economic Study of Institores, 200 B.C.-A.D. 250* (Leiden, New York, Köln, 1994); J. Carlsen, *Vilici and Roman Estate Managers Until AD 284* (Rome, 1995).



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have liberated the recipients from a life of dependency. As E. Córcoles Olaitz put it in her discussion of the *Formulae Visigothicae* that deal with slave manumissions, traditionally dated to the 7<sup>th</sup> century: '[...] without the existence of an own patrimony, the recently obtained freedom has no sense: without wealth there is no real autonomy'.<sup>66</sup> As Vincent's manumission list otherwise drives home forcefully, it required property and family to gain the potential *sein eigener Herr zu sein*, a potential that, naturally, was reserved for men only.<sup>67</sup>

### IV. *PECULIUM*, ARCHAEOLOGY, AND THE NATURE OF SLAVERY

The passages discussed hitherto provide clear evidence for *peculium* allowances, including land and slaves, amongst agricultural slaves in Visigothic Spain. Such allowances have traditionally been regarded the privilege of a fairly select group of slaves – i.e. of royal slaves – and even then only as an irregular occurrence: E.A. Thompson still maintained that '(r)oyal slaves *sometimes* owned land and slaves of their own' (my emphasis).<sup>68</sup> However special the slaves in Vincent's donation and will who benefitted from *peculium* allowances that included land and slaves may have been compared with those who did not attract comment, they were unlikely to have enjoyed the elevated social status associated with the group of slaves discussed by Thompson. In this context, too, the document under discussion here functions as an important corrective to the impression gained from other source materials. Yet, it is not possible to gauge from donation and will the typicality of Campinus' and Eugenius's *peculium* arrangements whilst in slavery: at face value, Campinus and Eugenius appear to belong to a minority, being the only two – out of a group of eleven named men – for whom there is unquestionable evidence in the will for the possession (and subsequent transfer) of *peculium*. But is this impression correct?

As was seen, the social and economic conditions under which slaves worked land are regarded as crucial by modern scholars in an assessment of their status. It is important to recall at this point that O. Patterson has shown that *peculium* allowances are widespread in societies that recognise the principle of slave possessions in their laws and that sanction it socially.<sup>69</sup> The key difference between societies where such recognition and sanction is widespread, and those where it is scarce is to be found in the prevailing mode of subsistence: access to *peculium* is greatest in societies where slaves work rarely

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<sup>66</sup> E. Córcoles Olaitz, 'The manumission of slaves in the view of the *Formulae Visigothicae*', *Veleia* 23 (2006), pp. 339-349, at p. 346 (but beware of the overall rushed interpretation of the six *formulae* under discussion).

<sup>67</sup> One of the named males in the will – Dalmatianus – appears to have been very young still, and given to Severus the doctor, probably for the purpose of being trained in the medical profession (2.10-11). Whether Severus was himself a slave, and the transfer of Dalmatianus, not unlike the transfer of land and labourer to Dominus, in effect a means to enrich Severus' *peculium*, making the boy Severus' *vicarius*, cannot be established from the text, but it is a tempting interpretation. The traditional view on the function of the vicariate in Roman slavery is that of providing a future replacement (slave) upon manumission, thus requiring the *vicarius* to learn the same trade as the *ordinarius*: H. Erman, *Servus vicarius: l'esclave de l'esclave romain* (Lausanne, 1896). But see now also J. Lewis, *What's a vicarius?...or how true meaning can mislead you: development and typology of sub-owned slavery in Rome (212 BC-235 AD)*, unpublished PhD thesis, The University of Edinburgh, 2013.

<sup>68</sup> Thompson, *The Goths* (n. 4), p. 268.

<sup>69</sup> O. Patterson, *Slavery and Social Death. A Comparative Study* (Cambridge/MA and London, 1982), pp. 182-186.

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under direct masterly supervision and where the work required of them is largely skilled labour. Consequently, pastoral societies are at the top end of societies that make use of *peculium* allowances.<sup>70</sup> Regarding Visigothic Spain, or in any case Tarraconensis, there exists no reason to doubt that much of the geography was characterised by agricultural labour, including abundant pastoral activities: as briefly alluded to above, Ariño Gil and Díaz have concluded on the basis of their detailed study of the landholdings mentioned in donation and will that ‘we can infer a complementary economy between the lands on the valleys of the main rivers and the mountain areas, which allowed diversification of production and better exploitation of resources. Cattle raising was an important activity, and there was short-distance seasonal transhumance’.<sup>71</sup> It goes without saying that the bulk of the agricultural and agri-pastoral labour was not carried out by the wealthy landowners themselves, lay or clerical. As Thompson put it not entirely dissimilarly to Varro: ‘(t)he larger landowners did not work their new estates with their own hands’; and there exists furthermore evidence for the employment of agents by the land owners to manage their estates, practising a system of absentee ownership.<sup>72</sup> The socio-economic set-up of the region, in conjunction with the evidence for the recognition of *peculium* allowances in Visigothic law,<sup>73</sup> make it then highly likely that the experiences we encounter through Campinus and Eugenius were neither unique nor rare, and that we should start from the assumption that access to *peculium* was not the privilege of some elite few, but a widespread, even typical feature amongst agricultural slaves in Visigothic Spain. One consequence of this recognition for our reading of the will is fairly unsurprising: the impression that *peculium* allowances were few and far between amongst Vincent’s slaves is unlikely to have been representative of the majority of the slaves he or the church owned, and who remained in slavery, with their possessions – i.e. those with the ewes, cows and mares in their *peculium* mentioned so plainly in the donation of agricultural and pastoral land to the monastery of Asán (1.1.35). What *was* special about the experience of Campinus and Eugenius was that they were manumitted in Vincent’s will, together with a small number of others. The text, too, underlines the extraordinary situation of those rewarded in the will – for towards the end of the donation, Vincent reserved for himself the privilege to provide either a grant of free-birth or gifts for their duty and service to those whom he regarded to be deserving of such rewards: *qui pro obsequiis uel seruitiis suis uel ingenuitatem uel munuscula promeruerunt, mihi priuilegium reseruo* (1.44-45). The grants of freedom and the various transfers of property in the will are good examples of the special acts of patronage which Vincent announced in the donation. Clearly, the mentioned individuals are exceptional cases, and the scholarly focus on the fates of those who exit the slave system not equipped to provide a reliable perspective of the slave experience in Visigothic Spain – which was, for the most part, not characterised by *manumissio testamento*.

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<sup>70</sup> Patterson, *Slavery and Social Death* (n. 69), p. 186.

<sup>71</sup> Ariño Gil and Díaz, ‘Poblamiento y organización’ (n. 6), p. 223.

<sup>72</sup> Thompson, *The Goths* (n. 3), p. 117 and p. 133. An amusing window on such practices, if in a neighbouring region, and a century on, can be gained from the *Life* of St. Fructuosus of Braga: the saint-to-be used to accompany his father to visit and inspect, in the mountains of Bierzo, their shepherds and their sheep – demonstrating vividly their ‘absenteeism’ for most of the time: F.C. Nock, *The Vita Sancti Fructuosi: Text with a Translation, Introduction, and Commentary* (Washington, 1946); but cf. García Moreno, ‘From *coloni* to *serui*’ (n. 5), p. 210.

<sup>73</sup> For the evidence see Nehlsen, *Skavenrecht* (n. 37), pp. 168-170.

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(Material) evidence and models

But, understanding the role and function of *peculium* arrangements in slavery questions more generally the kinds of interpretations offered by modern scholars about the (assumed) land-working conditions of Visigothic slaves. As was seen, García Moreno argued that ‘the land working conditions of the slaves of the VI<sup>th</sup> and VII<sup>th</sup> centuries [...] resembled those of the later Imperial *coloni*?<sup>74</sup> The postulated changes to earlier labour arrangements, he suggested, are documented in the archaeological record: ‘(t)he archaeology also reflects this regular use of the slaves as tenants and the declining importance of the seigneurial demesne worked by many slaves as in the former slave-system *villa*?<sup>75</sup> The relevant evidence is seen in particular in a ‘gradual degradation’ in the 4<sup>th</sup> and 5<sup>th</sup> centuries of the ‘luxurious *partes urbanae*’ that are assumed to have been typical of ‘the former slave-system *villa*?<sup>76</sup> The idea that tenancy (as opposed to slave labour) can be deduced from the archaeological record is at odds with the view, also expressed by García Moreno, that the slaves-cum-tenants might themselves have employed slaves to work the fields:<sup>77</sup> already Pliny the Younger, writing in the late 1<sup>st</sup> century, provides ample evidence in a single text that the same rural estate could be run either by *coloni* or by owners, both of whom may take recourse to exactly the same mode of production, i.e. slave labour, for the bulk of the work – creating the same material record.<sup>78</sup> As C. Wickham has put it more generally: ‘(s)ettlement patterns do not in themselves stably define or reflect particular economic relationships’.<sup>79</sup> But the notion that the ‘slave mode of production’ leaves behind a clear and unambiguous architectural blue-print that is discernible in the archaeological record lacks more generally evidential and conceptual support.<sup>80</sup>

Thus, even for the Roman (late) republican and imperial period, one would be hard pushed to reduce the exploitation of agricultural slaves in our historical imagination to the type of villa made famous, for instance, by A. Carandini on the example of Settefinestre near Cosa on the Tuscan coast, some hundred miles north of Rome, and heralded as the quintessential ‘villa schiavistica’.<sup>81</sup> There is, for instance, no reason to exclude the exploitation of slave labour at the so-called Posto Villa in northern

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<sup>74</sup> García Moreno, ‘From *coloni* to *servi*? (n. 5), p. 210.

<sup>75</sup> García Moreno, ‘From *coloni* to *servi*? (n. 5), p. 209.

<sup>76</sup> So García Moreno, ‘From *coloni* to *servi*? (n. 5), p. 210 (and p. 201); cf. D. Vera, ‘Dalla “villa perfecta” alla villa di Palladio: sulle trasformazioni del sistema agrario in Italia fra Principato e Dominato’, *Athenaeum* 83 (1995), pp. 189-211 and pp. 331-356, at p. 350, for a more differentiated view.

<sup>77</sup> The example discussed by García Moreno stems from a Portuguese context, in the 7<sup>th</sup> century, and relates to manumitted slaves who received 50 slaves from the church: ‘From *coloni* to *servi*? (n. 5), p. 209.

<sup>78</sup> Plin. *Ep.* 3.19. For brief discussion of the complexities, see D. Kehoe, *Investment, Profit, and Tenancy. The Jurists and the Roman Agrarian Economy* (Ann Arbor, 1997), pp. 171-173.

<sup>79</sup> C. Wickham, *Framing the Early Middle Ages. Europe and the Mediterranean 400-800* (Oxford, 2005), p. 472.

<sup>80</sup> It is notable that advocates of the archaeological study of rural slavery in the Roman period do not work with the type of one-dimensional model of ‘the slave-system *villa*’ as employed by García Moreno; e.g., J. Webster, ‘Archaeologies of slavery and servitude: bringing ‘New World’ perspectives to Roman Britain’, *Journal of Roman Archaeology* 18 (2005), pp. 161-179; S.R. Joshel and L.H. Petersen, *The Material Life of Roman Slaves* (Cambridge, 2014), pp. 162-213.

<sup>81</sup> A. Carandini *et al.* (edd.), *Settefinestre. Una villa schiavistica nell’Etruria romana*, 3 vols. (Modena, 1985); and *Schiavi in Italia. Gli strumenti pensanti dei Romani fra tarda repubblica e medio impero* (Rome, 1988).

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Campania, which, despite its modest size and finish, was given over to the intensive production of olive oil, just like the adjacent, somewhat larger villa at San Rocco, which has left traces of comfortable living – especially in the form of floor mosaics – but could hardly be described as luxurious.<sup>82</sup> Or, in the ‘Bay of Luxury’ itself – the archaeological home for the modern historiographic creation of the Roman version of ‘the slave mode of production’ – there are plenty of examples of rural estates of fairly modest or at best middling size and finish that have traditionally been associated with the extensive exploitation of slave labour in the late republican and imperial period.<sup>83</sup> And given that owners and masters were known to practise estate (and labour) management through slave managers, with few (or no) personal visits to their rural estates, there exists furthermore little reason why ‘luxurious *partes urbanae*’ should have been typical (and therefore indicative) of the exploitation of slave labour in the Roman countryside. As J. Percival put it some time ago: ‘(v)illas were not things invented at a given point in time, but things that evolved gradually as part of a wider social and economic evolution. There is no reason to suppose that they formed a distinct and easily definable category to the Romans themselves, and to ask that they should do so to us may well be unreasonable’.<sup>84</sup>

Notwithstanding regional differences, recent archaeological work in Spain suggests in fact the (continued) flourishing of estate agriculture in the period under discussion here. As S. Keay has pointed out: ‘villas continued as large and populous self-sufficient estate centres’.<sup>85</sup> Indeed, scholars now talk more generally of ‘the 4<sup>th</sup> century villa boom’ in the Western Mediterranean; and there exists a growing recognition that changed building styles (and materials) and settlement types especially in the 5<sup>th</sup> and 6<sup>th</sup> centuries need not indicate either general impoverishment or widespread economic decline, or the depopulation and abandonment of cultivated land: in short, the interpretation of the changes visible on the ground for modern understanding of landownership practices and exploitation modes (of land and labourers) remains difficult and subject to debate.<sup>86</sup> Two examples of excavated villa sites cited by Keay reinforce the point made above on examples from Italy in the Roman republican and imperial periods about the difficulty of identifying a specific type of material record with slave exploitation also for late Roman and Visigothic Spain:<sup>87</sup> first, the luxurious remains of a rural estate at Baños de Valdearados (Burgos), built in the later 4<sup>th</sup> century, including multiple coloured mosaics in the central part of the residence added in the 5<sup>th</sup>; and, second, the comparatively humble relics of a villa at Vilauba (near modern Gerona), to which was

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<sup>82</sup> M.A. Cotton, *The Late Republican Villa at Posto, Franconise* (London, 1979); M.A. Cotton and G. Métraux, *The San Rocco Villa at Franconise* (London, 1985).

<sup>83</sup> This is already clear from some of the earlier publications: e.g., R.C. Carrington, ‘Studies in the Campanian *villae rusticae*’, *Journal of Roman Studies* 21 (1931), pp. 110-130.

<sup>84</sup> J. Percival, *The Roman Villa: A Historical Introduction* (London, 1976), p. 15.

<sup>85</sup> S.J. Keay, *Roman Spain* (London, 1988), p. 214; but see also Keay’s less optimistic thoughts on identifying Visigothic estates (in the countryside of Tarraconensis) because of difficulties in dating: J.-M. Carreté, S. Keay, M. Millett (edd.), *A Roman Provincial Capital and its Hinterland. The Survey of the Territory of Tarragona, Spain, 1985-1990* (Ann Arbor, 1995), p. 38.

<sup>86</sup> An excellent overview of key developments and scholarship is offered in A. Chavarría and T. Lewit, ‘Archaeological research on the Late Antique countryside: a bibliographical essay’, in W. Bowden, L. Lavan, and C. Machado (edd.), *Recent Research on the Late Antique Countryside* (Leiden, 2004), pp. 3-51

<sup>87</sup> Keay, *Roman Spain* (n. 85), p. 215. Recent discussion on villa sites in the Roman and late Roman period in Tarraconensis can be found in V. Revilla Calvo, J.-R. González Pérez, M. Prevosti Monclús (edd.), *Actes del Simposi: Les vil·les romanes a la Tarraconense*, 2 vols. (Barcelona, 2008).

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added in the early 6<sup>th</sup> century a series of rooms for the pressing of olive oil. And the church estate at Villafortunatus near Fraga is another good example, also of the role increasingly assumed by the Church in the management of land and labour, in Tarraconensis.<sup>88</sup> But what this management of land and labour consisted of, at Villafortunatus, Baños de Valdearados, and Vilauba, cannot be discerned from the (different) material remains of these estates. Keay is moreover right to point out that the ‘great swathes of land’ that Vincent bequeathed to the monastery of Asán in 551 ‘were replete with their own estate centres’, i.e. precisely the kinds of rural estates documented in the archaeological record.<sup>89</sup> There existed most likely differences in size, and in production type, as well as in the forms of labour exploitation, between the various estates owned, originally, by Vincent’s parents – just as there existed differences on the estates of members of the Roman elite: Lucius Junius Moderatus Columella, who wrote an agricultural manual in the second half of the first century of imperial rule, notably advocated the exploitation of tenants over the (direct) exploitation of slaves on distant holdings – which, by all accounts, did not differ in principle in their architectural layout from those worked by slaves in his immediate neighbourhood.<sup>90</sup> And as in Roman republican and imperial times, the geographical dispersal of an estate, with various (not so) small centres, need not be evidence in the late Roman and Visigothic period for ‘the substitution or transformation of the central slave-system *villa* into another shared and worked by autonomous peasants’.<sup>91</sup>

In his work on the changes in landholding practices and settlement patterns in 4<sup>th</sup> and 5<sup>th</sup> century Italy, D. Vera has repeatedly emphasised, amongst other of the aforementioned changes in settlement patterns, what he refers to as the ‘forte aumento dei *vici*’ – i.e. what Wickham has so powerfully conceptualised as ‘a world of villages’ for the early Middle Ages.<sup>92</sup> But the image of rural slavery with which such changes are contrasted, most markedly that of the ‘*servus accasermato e privo di legami familiari stabili che lavora in gruppo in una proprietà gestita con criteri centralistici*’,<sup>93</sup> is mistaken. Thus, following in essence the influential contribution made by M. Bloch,<sup>94</sup> Vera (like others) still held that ‘gli autori di II-III secolo indicano [...] l’abbandono della schiavitù maschile dell’*ergastulum* e la promozione delle famiglie schiavili da impiegare nel sistema dell’affittanza’.<sup>95</sup> But already in the period of Rome’s great overseas expansion, as well as in the early imperial period, agricultural slaves typically lived in family units;<sup>96</sup> and the image of the ‘*servus accasermato*’ – and more specifically of what P. Geary called in his

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<sup>88</sup> Keay, *Roman Spain* (n. 85), pp. 216-217.

<sup>89</sup> Keay, *Roman Spain* (n. 85), p. 215.

<sup>90</sup> Columella, *De re rustica* 1.7.6-7; discussed with further evidence in Kehoe, *Investment, Profit, and Tenancy* (n. 78), pp. 156-157. (The standard edition of Columella is that produced in the Loeb Classical Library: H.B. Ash (ed. and tr.), Lucius Junius Moderatus Columella, *On Agriculture*, 3 vols. (Cambridge, MA., and London, 1941).)

<sup>91</sup> García Moreno, ‘From *coloni* to *servi*’ (n. 5), p. 201.

<sup>92</sup> Vera, ‘Dalla “villa perfecta”’ (n. 76), p. 343; see also p. 204; Wickham, *Framing the Early Middle Ages* (n. 79), p. 514 and *passim*. But see also note 129 below.

<sup>93</sup> Vera, ‘Dalla “villa perfecta”’ (n. 76), p. 355.

<sup>94</sup> M. Bloch, ‘Comment et pourquoi finit l’esclavage antique?’, *Annales ESC* 2 (1947), pp. 30-44.

<sup>95</sup> Vera, ‘Dalla “villa perfecta”’ (n. 76), p. 339. The underlying model was already fully developed by Max Weber: ‘Die sozialen Gründe des Untergangs’ (n. 46).

<sup>96</sup> U. Roth, *Thinking Tools. Agricultural Slavery between Evidence and Models* (London, 2007).

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study of a great landed patrimony in 8<sup>th</sup> century Provence ‘classical Roman gang slavery’<sup>97</sup> – arises from a flawed interpretation of some key Roman texts from the early Empire that has inaptly influenced our reading of later texts.<sup>98</sup> Moreover, Varro’s transhumant slave pastoralist, in charge of hundreds of animals, and supported by family members, is also part of the ‘slave mode of production’ – as are other slave occupations that do not fit the notion of direct (masterly) supervision.<sup>99</sup> As Harper put it succinctly in his recent critique of the ‘transition narrative’: ‘[...] the transition model is problematic because it starts from an ideal type of purely masculine slavery which never existed and then implies that this form of exploitation alone represented the slave mode of production’.<sup>100</sup> Lastly, Roman slaves could act as tenants,<sup>101</sup> complicating the picture of the slaves’ land-working conditions (and of the resulting archaeological record) ever further, and long before the changes to the tax system introduced by Diocletian and his colleagues in the Tetrarchy created some considerable practical repercussions on servile and free tenants, and their relationship with both land and owners.<sup>102</sup>

It is similarly crucial not to overlook that the survey evidence does not support the notion of a single dominant mode of land exploitation in the period of Roman history that is readily (and rightly) associated with the extensive exploitation of slave labour. The results of the South Etruria survey – to choose an obvious example from Italy – suggest diversity in land use; indeed, as things stand, it appears that larger and smaller rural units increased in tandem between the 3<sup>rd</sup> century BCE and the first century of imperial rule.<sup>103</sup> And how else is one to understand Cato’s emphasis on the local (and free) labour supply in the neighbourhood of an estate appropriate for a man of his standing (of which the late republican and early imperial élites would have possessed multiples, in different regions, creating a network of holdings of different sizes and types)?<sup>104</sup> The recent review of rural settlements in inland Basilicata by H. di Giuseppe, covering the *longue durée* from the republican (or Hellenistic) period through to the late antique period, equally shows both diversities and fluidities, suggesting in turn complex and composite realities on the ground that withstand monocausal explanations of land

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<sup>97</sup> Geary, *Aristocracy in Provence* (n. 61), p. 92.

<sup>98</sup> Roth, ‘Men without hope’ (n. 52); see also Roth, ‘Food, status, and the *peculium*’ (n. 29).

<sup>99</sup> Varro, *De re rustica* 2.1.26.

<sup>100</sup> K. Harper, ‘The idea of “transition” and the end of Roman slavery’, in A. Pinzone, E. Caliri, R. Arcuri (edd.), *Forme di dipendenza nelle società di transizione* (Messina, 2012), pp. 393-412, at p. 405.

<sup>101</sup> An example given by the Roman imperial jurist Scaevola has led D. Kehoe to emphasise the slave’s obligations and liabilities in the tenant role, so much so that Kehoe argues that ‘(t)he slave tenant, who was assigned the use of [other] slaves and oxen, had far-reaching responsibilities, since it fell to him to acquire additional livestock needed to cultivate his land’: *Investment, Profit, and Tenancy* (n. 78), p. 173 (and generally pp. 166-173), discussing Digest 33.7.20.1 (Scaevola).

<sup>102</sup> The relevant issues are succinctly summarised in C. Grey, ‘Slavery in the late Roman world’, in K. Bradley and P. Cartledge (edd.), *The Cambridge World History of Slavery, Vol. 1: The Ancient Mediterranean World* (Cambridge, 2011), pp. 502-506.

<sup>103</sup> T.W. Potter, *The Changing Landscape of South Etruria* (London, 1979). More recent discussions of survey evidence that stress regional and site-specific diversities include E. Curti, E. Dench, J. Patterson, ‘The archaeology of central and southern Italy: recent trends and approaches’, *Journal of Roman Studies* 86 (1996), pp. 170-189; R. Witcher, ‘Settlement and society in early imperial Etruria’, *Journal of Roman Studies* 96 (2006), pp. 88-123; and A. Launaro, *Peasants and Slaves. The Rural Population of Roman Italy (200 BC to AD 100)* (Cambridge, 2011), pp. 103-145.

<sup>104</sup> Cato, *De agricultura* 1.3 and 5.4; see also 144.3, 145.1, and 146.3.

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use in the centuries of Roman rule.<sup>105</sup>

This is not the place to argue in detail for the existence of a ‘*comune rustico*’<sup>106</sup> in the Roman period, where free, slave and dependent labour went hand in hand, embedding the peculiar institution solidly into a much wider web of labour exploitation. But D. Rathbone has long shown that from an economic perspective alone slave and free go together in the countryside of Roman Italy,<sup>107</sup> explaining also the multifaceted approach to the exploitation of labourers of different legal statuses in our Roman literary sources. As was seen earlier on, the prevalence of *peculium* allowances in societies that relied heavily on agricultural and pastoral labour – combined with labour that was for the most part (or even completely) without masterly supervision, and including the types of unsupervised productive activities referred to under the umbrella term of the ‘slaves’ economy’ – has a significant impact on the slaves’ land-working conditions, demonstrating on the one hand the existence of a variety of labour environments (that would have created diverse material remains), and on the other hand an increased probability for contact between labourers of different legal statuses, including repeated (if not regular) occasions for ‘mixed’ working environments that would have created an integrated communal web in the countryside. Naturally, the chosen emphasis on Italy, here, does not negate differences in developments outwith the peninsula (or indeed within it): but the model of the ‘*villa schiavistica classica*’<sup>108</sup> was formed on the basis of evidence from Italy from the late republican and the early imperial period, and it is here that it needs eradicating to create the basis for a fresh look at the question of the nature of slave labour in late antiquity and beyond with which it is contrasted. Put differently, if our definition of slavery in the Roman republican and imperial period were limited to what Wickham has explicitly referred to as ‘plantation slavery’ – characterised by slaves who were ‘wholly under the lord’s (*sic*) direction in their economic activity’, and who experienced ‘a totalizing economic control’ on the part of their masters, i.e. ‘a radical separation from any control over one’s own labour’ – Italy and other parts of the Roman empire should be regarded as having seen the advent of the ‘feudal mode of production’<sup>109</sup> by the 2<sup>nd</sup> century BCE at the latest; and ‘plantation slavery’ as understood by Wickham as only one of a number of aspects of the Roman élite’s exploitation of labourers and land – as in the subsequent centuries.<sup>110</sup>

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<sup>105</sup> H. di Giuseppe, ‘Insediamenti rurali della Basilicata interna tra la romanizzazione e l’età tardoantica: materiali per una tipologia’, in M. Pani (ed.), *Epigrafia e territorio politico e società. Temi di antichità romana IV* (Bari, 1996), pp. 189-252.

<sup>106</sup> I borrow the term from Vera, ‘Dalla “villa perfecta”’ (n. 76), p. 356, following S. Mazzarino, *L’impero romano II* (Rome and Bari, 1973), pp. 501-506. Evidently, I see no reason to counter-position free labour and slave labour in an account of ‘the rural community’ as done by L. Capogrossi Colognesi in his homonymous contribution to the topic: ‘Le comunità rurali nell’Italia romana’, in *Les communautés rurales. Deuxième partie – Antiquité* (Paris, 1983), 411-30. Similarly, R. Besnier and R. Hopital, who separate strictly ‘le grand domaine (*villa, fundus*)’ from other forms of labour (assumed to be entirely free and autonomous) in their contribution to the same volume: ‘Les communautés rurales dans l’empire romain’, 431-68. Both contributions, in any case, do not have the human agents in mind in their concept of ‘the rural community’ but primarily units of exploitation.

<sup>107</sup> D.W. Rathbone, ‘The development of agriculture in the “Ager Cosanus” in the Republican period: problems of evidence and interpretation’, *Journal of Roman Studies* 71 (1981), pp. 10-23.

<sup>108</sup> Vera, ‘Dalla “villa perfecta”’ (n. 76), p. 190, and *passim*.

<sup>109</sup> The complexity of the term is not denied here by the short-hand use.

<sup>110</sup> Wickham, *Framing the Early Middle Ages* (n. 79), pp. 260-262.

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It is not irrelevant in this context that in modern discussion of the ‘slaves’ economy’ – at home almost exclusively within the study of modern slaveries, especially in Brazil and the Caribbean – scholars are divided on the issue as to ‘whether this activity constituted a “peasant breach” in the slave system or was simply a continuation of the slave mode of production’.<sup>111</sup> Advocates of the former reading argue for the development of a proto-peasantry through the slaves’ responsibility and care for the production of their own foods, but also because of the subsequent business activities that grew out of (own) food production, such as trade and marketing independent of their masters of the kind that the Spaniard Columella complained about in the first century.<sup>112</sup> The modern debate is encouraged by concern over the (scholarly) recognition of the enslaved individuals as human beings. Yet, the debate does not suggest that the individuals concerned were autonomous peasants, legally, or in the eyes of their masters, or that the slaves’ economic activity led to a convergence between slaves and *liberi* in relation to their legal capacity and personality. Seen in this wider context, the land-working conditions of the slaves named (as well as of those not named) in the donation and will of Vincent of Huesca can, then, be perfectly sensibly explained *within* the workings of slavery, if account is taken of the social and economic diversities that the peculiar institution was able to manufacture in other periods and geographies, from ancient Italy to the modern Americas.

*certe exiguas possessiunculas*

In his brief comment on the statuses of the freed individuals after manumission, Corcoran stated that ‘(i)t is not clear what difference (if any) there is between these [...]’.<sup>113</sup> There is indeed little scope for inferring clear categories of exit statuses from Vincent’s will. Such clarity might in any case be misguided: notwithstanding the different qualities of freedom gained by slaves through manumission in Visigothic Spain, other evidence concerned with Visigothic freedmen appears to employ terms such as *libertas* and *ingenuitas* to all appearances interchangeably to describe the freedom gained by the former slaves.<sup>114</sup> Moreover, even when the exit status is alike, e.g. that of *civus romanus*, the quality of the liberty enjoyed by the freed slave can be regulated further through additional conditions.<sup>115</sup>

But the interpretation offered in the previous section challenges a staple of current understanding of manumission in Visigothic Spain that concerns the slaves’ *peculium*, i.e. the idea that the slaves’ *peculium* was transmitted with the individual upon manumission more or less as a matter of fact, and intact. In his magisterial account of the situation of freedmen in the Visigothic Kingdom, D. Claude summed up the *communis opinio* on this matter thus: ‘(as) a rule, a freedman was granted, as his property, what he possessed as a slave, his *peculium*’.<sup>116</sup> Claude goes on to stress that ‘(t)here is other evidence which shows

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<sup>111</sup> S.B. Schwartz, *Slaves, Peasants, and Rebels. Reconsidering Brazilian Slavery* (Urbana and Chicago, 1996), p. 83.

<sup>112</sup> Columella, *De re rustica* 1.8.7; 1.8.12-13.; 11.1.23-24. See also the contributions listed in notes 29-33 above.

<sup>113</sup> Corcoran, ‘The donation and will’ (n. 8), p. 221.

<sup>114</sup> For brief discussion, see Claude, ‘Freedmen’ (n. 4), pp. 164-179.

<sup>115</sup> For examples see Claude, ‘Freedmen’ (n. 4), pp. 164-166.

<sup>116</sup> Claude, ‘Freedmen’ (n. 4), p. 177.

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that contemporaries regarded ownership of property as an indispensable element of freedom'.<sup>117</sup> The present analysis confirms, in essence, the latter contention: as was seen, the land grants in particular would have been essential for either the maintenance or the establishment of a family unit, without which the manumitted individuals' enjoyment of freedom would have been severely limited. But Vincent's careful specification of the land to be granted for instance to Elicianis (2.6: *in locum Asseresse sex centuas donamus terre*) makes little sense if the land in question was (all of) Elicianis' *peculium*. As argued above, the specified land grants are better understood if the land in question formed only part of the slaves' *peculium*, or if it was an entirely new allocation – thus requiring the careful identification. This is clearer still, as also stated above, if these deliberate specifications on the part of Vincent are contrasted with his formulations when directly referring to slave *peculium* – as in the cases of Campinus and Eugenius – i.e. when all of the slaves' *peculium* allowances are granted, and, hence, the specific identification of (for instance) a particular piece of land is omitted because of its (automatic) transfer with (and through the mention of) the *peculium*. From a structural perspective, then, the donation is more probably a good example for the need to transfer the *peculium* of a slave both *explicitly* (as recognised in a Visigothic formula) and, where appropriate, *specifically* upon manumission, just as had been the rule in the Roman Empire.<sup>118</sup> It follows that, in turn, the specification of the transfer of only part of a slave's *peculium* upon manumission identifies (by way of omission) the parts of a slave's *peculium* to be retained by the master.

Furthermore, manumission was also possible without the transfer of property – as the cases of Eucerus, Marturius and Ilpidius make sufficiently clear – even if all three appear, in consequence, literally unsupported in their new statuses as *liberi*.<sup>119</sup> Eucerus, of course, had already been manumitted – *sicut dudum eum in presentia filiorum absoluimus* (2.13); the present act, in Vincent's will, functions to confirm the man's freedom. Such confirmation was known to be necessary if a slave was manumitted (merely) before witnesses; and, possibly, this is what Vincent's *in presentia filiorum* refers to. The later *Lex Visigothorum* states that subsequent public confirmation was necessary in the case of a private written or spoken death-bed manumission.<sup>120</sup> But, perhaps, Vincent wanted to avoid any ambiguities which could have allowed challenges to the grant of freedom. That said, one is left to wonder about the fragility of the liberty awarded Marturius and Ilpidius (and Vincent's intentions) – given the lack of property that, to all appearances, the two men had to grapple with. In contrast, in the case of the individual whose name has not survived (2.1-3), Vincent employed a technique known from later sources in order to clarify his intentions. Thus, grants of property to some of his slaves by a bishop of Mérida were explained by his biographer as made *pro confirmandas eorum libertates*, to confirm their liberty; and the same idea is evident in a formula for a manumission, in which the property grants are described as being made *propter confirmandam ingenuitatem*

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<sup>117</sup> Claude, 'Freedmen' (n. 4), p. 177.

<sup>118</sup> See note 37 above.

<sup>119</sup> It has been suggested to me by one of the journal's readers that the three men might have been domestic slaves. Even then, it is difficult to imagine the economic basis for their lives after manumission, almost certainly requiring continued attachment to and location at their former 'place of work'.

<sup>120</sup> MGH, *Legum Sectio I. Leges nationum Germanicarum I. Leges Visigothorum* (Hannover and Leipzig, 1902), V, 7, 1; cf. V, 7, 9.

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*uestram*; and in a formula for a will, where the grants are made *pro confirmanda ingenuitate*.<sup>121</sup> Having made a charter of free-birth, Vincent's manumission of the man whose name has escaped the record is explicitly confirmed through the grant of land (and slaves) in like fashion: *et nunc ipsam [= cartulam ingenuitatis] confirmantes, in locum Placentia, ei uinee centuas quattuor et mancipia uagantia duo donamus rei* (2.1-3). The grants made by Vincent demonstrate clearly his sound grasp of the rules that guided manumission, and the not negligible property allocations to some of the slaves upon manumission. And they also reinforce the significance of property ownership for a life in freedom. But it would be rash to generalise from these slaves' experiences to slave life in general: in light of the fact that the majority appears to remain in slavery, the will is best understood as evidence for the manumitter's *retention* of slave possessions upon manumission – perhaps (and precisely) because the individuals' possessions whilst in slavery were anything but the *exiguas possessiunculas* that according to the *Vita Masonae* the metropolitan of Mérida allowed his slaves upon manumission? Such acts of retention fit well into the Church's otherwise well documented eagerness to maintain its property. It is moreover not far fetched to see in Vincent's transfer of his property in the territory of Saragossa that immediately follows the list of manumissions (2.17) due compensation for the slave emancipations – a practice (and requirement) that appears much clearer in some later sources.<sup>122</sup> Whether or not the need for confirmation of an earlier manumission should be understood as the Visigothic equivalent of iteration in the Roman world – i.e. the need for a second, so-called formal or complete manumission after an earlier, so-called informal or incomplete manumission that bestowed on the slave the status of a Junian Latin (in the Empire), but not full rights over property with regard in particular to testamentary powers and the legal capacity to inherit – cannot be answered from the text.<sup>123</sup> It is equally impossible to gain clarity from the text on the freed slaves' potentially quite different levels of duties of *obsequium* after manumission. But the seeming need for confirmation of earlier manumissions in the case of the man whose name we do not know, as well as in that of Eucerius, serves as a forceful reminder of the powers maintained by former masters over freed slaves, and the continued dependence that the latter were subjected to vis-à-vis their (now) patrons.

### V. CONCLUSION

The donation and will of Vincent of Huesca provide unique insights into the exploitation of slave labour in Visigothic Spain that other types of source materials do not offer. The privileged position of male slaves in the manumission process is perhaps not entirely surprising. And neither is, on reflection, the support the document lends to an understanding of the Christian Church as a key player in the exploitation of slave

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<sup>121</sup> For *pro confirmandas eorum libertates* see J.N. Garvin (ed.), *The Vitas Sanctorum Patrum Emeretensium* (Washington, 1946), V, 13, 4 (20, 47), p. 248 = *Corpus Christianorum. Series Latina CXVI* (Turnhout, 1992), p. 91): '[...] accidit ut sanctus Masona episcopus puerulis qui ei fidelem exhibuerant seruitium libertatis cartulam conscriberet et pro confirmandas eorum libertates aliquam partiunculam pecuniolae tribueret aut certe exiguas possessiunculas conferret'; for *propter confirmandam ingenuitatem uestram* see 'Formulae Visigothicae' (n. 37), no. 5, p. 577 (this wording is not in nos. 2 and 6); for *pro confirmanda ingenuitate* see *ibid.*, no. 21, pp. 585-586.

<sup>122</sup> For discussion see Claude, 'Freedmen' (n. 4), pp. 167-168.

<sup>123</sup> The matter is briefly commented on by Claude: 'Freedmen' (n. 4), p. 166.

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labour: church and monastery need not have worried about falling below the ‘poverty line’ of owning less than ten slaves.<sup>124</sup> In the context of slavery studies, the document serves to question the notion propounded by O. Pétré-Grenouilleau that ‘manumission works to free the slave system from its most unproductive elements’:<sup>125</sup> there is no reason to regard the men, woman and children liberated through the will as ‘unproductive elements’. Obviously, testamentary manumission was not the only form of manumission in Visigothic Spain. But the evidence at hand suggests that manumission did not have a negative impact on the demographics and economics of slavery in Visigothic Spain: the peculiar institution appears solidly embraced by Church and rich land owners; and the transfer of property, including human beings, through donation and will, emerges as a transfer primarily of title, set to perpetuate the slave system, rather than to weaken it.

But the most crucial aspect of the argument here presented concerns the thorny question of the so-called transition from slavery to serfdom. Previous studies of Vincent’s donation and will concerned with this transition have concentrated on *coloni*: Díaz, in what is the only recent historical analysis dedicated fully to donation and will plainly states that ‘(e)n primer lugar nos interesan los colonos’.<sup>126</sup> Here, the focus was instead on slaves. And the comparative analysis that I have offered has consequently opened up a view of the wider context of slave exploitation in human history. More specifically, if read in context with evidence from other societies that made use of agricultural slave labour, the social and economic locations of the slaves liberated in the will appear entirely in keeping with the forms of slave exploitation known from earlier and later periods. Crucially, there exist no structural differences in the exploitation of agricultural slaves as portrayed in donation and will from the Roman period – where the use of land, animals and other human beings by slaves, especially under a *peculium* arrangement, was standard practice, including the formation of family units. Seen from this angle, the donation and will of Vincent of Huesca is a powerful witness for the continuity of slave exploitation between classical antiquity and the Middle Ages.

Harper argued that by the late sixth century ‘no one was insisting that slavery was central in the production of wealth [...]’.<sup>127</sup> Vincent’s estate was admittedly regionally contained; it did not compete with the dispersed empire-wide estates that Wickham foregrounded as typical for the Rome-based senatorial élite of the preceding centuries that made possible the Mediterranean-wide networks that characterised the Roman Empire: the scale of Vincent’s property-owning was, on the contrary, ‘[...] closer to Remigius or Aredius in Gaul, or to any of the Italian owners [...] than to the major Frankish landowners’; and, as Wickham concluded, ‘(t)he whole zone seems to be one of locally owning aristocrats in a late Roman tradition, at least throughout the sixth century’.<sup>128</sup> Visigothic Spain may be regarded as peculiar in many ways. But whilst small by comparison with the holdings of the super-rich, in the light of the considerable size of the landed estate first owned by upper class individuals, i.e. Vincent’s parents, and, then,

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<sup>124</sup> On this ‘poverty line’ see Concilio de Toledo XVI (J. Vives (ed.), *Concilios visigóticos e hispano-romanos* (Barcelona, 1963), no. 36, pp. 482-521, at p. 485.

<sup>125</sup> O. Pétré-Grenouilleau, ‘Processes of exiting the slave systems: a typology’, in E. Dal Lago and C. Katsari (edd.), *Slave Systems. Ancient and Modern* (Cambridge, 2008), pp. 233-264, at p. 234.

<sup>126</sup> Díaz, ‘El testamento’ (n. 5), p. 266.

<sup>127</sup> Harper, *Slavery* (n. 2), 509.

<sup>128</sup> Wickham, *Framing the Early Middle Ages* (n. 79), pp. 222-223; and generally pp. 163-258.

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by an ever more dominant power, i.e. the Christian Church (represented by monastery and local church), it is more likely than not that slavery played a significant role in the production of wealth for the owners of the land on which the slaves toiled – and the references to *servi* in the document must be understood accordingly.<sup>129</sup> The document obviously fails to provide sufficient material for the study of other forms of unfree labour, for the identity of *coloni*, and for the social and legal relationships between slaves and freedmen, and the free. But far from providing evidence for the collapse of the peculiar institution's vitality, slavery emerges from the document as a system that is what C. Meillassoux has called 'organically and institutionally reproduced',<sup>130</sup> with the help of the Christian Church and the landed aristocracy in a period and geography that saw kings murdered, Byzantines and Franks fighting each other, and Visigoths slaughtered by Visigoths – that is the early medieval period in the West – regardless of who or what the *coloni* were.

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<sup>129</sup> The reluctance to associate Church and monasteries with the large-scale exploitation of slave labour in the early Middle Ages is also prevalent in work concerned with the eastern Mediterranean; see, e.g., B. Brenk, 'Monasteries as rural settlements: patron-dependence or self-sufficiency?', in Bowden, Lavan and Machado (edd), *Recent Research* (n. 86), pp. 447-476. Beat Brenk does not mention slavery once, whilst proposing that 'the easiest way to [develop a long-term survival strategy for rich monasteries] was for the monastery to derive a steady income from carefully managing endowments'; and that '(t)his would of course have meant running a monastery in the same fashion as a secular great estate': p. 454. The existence of such great (secular) estates in the eastern Mediterranean has recently again been stressed by Peter Sarris, underscoring that in 'the eastern Roman empire of the 5<sup>th</sup> and 6<sup>th</sup> c., the dominant propertied classes would appear to have derived the mainstay of their wealth from highly monetised, highly commodified bipartite estates worked by wage-labourers, and, perhaps, *slaves*' (my emphasis): 'Rehabilitating the great estate: aristocratic property and economic growth in the Late Antique East', in Bowden, Lavan and Machado (edd), *Recent Research* (n. 86), pp. 56-71, at p. 68. There is nothing unusual about the combination of slave and wage labour in earlier centuries (see above, '(Material) evidence and models'). For a discussion of material evidence of (private) 'estate cult' in late antique Spain, from the early 4<sup>th</sup> to the early 5<sup>th</sup> century, see in contrast K. Bowes, 'Building sacred landscapes: vilas and cult', in A. Chavarría, J. Arce, G.P Brogiolo (edd.), *Villas tardoantiguas en el Mediterráneo occidental* (Madrid, 2006), pp. 73-95.

<sup>130</sup> C. Meillassoux, *The Anthropology of Slavery: The Womb of Iron and Gold* (Chicago, 1991), p. 73.

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